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Activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Secretary-General

Summary

The General Assembly, in its resolution 64/233, reiterated the crucial role played by the informal system in the administration of justice and reaffirmed that all possible use should be made of it in order to avoid unnecessary litigation. The Assembly welcomed the submission of the first joint report for the entities covered by the integrated Office of the United Nations Ombudsman, and requested the Secretary-General to submit such a report at its sixty-fifth session and thereafter on a regular basis.

The present report is the second report covering the activities of the integrated Office of the United Nations Ombudsman and Mediation Services, which delivers informal conflict-resolution services to the staff of the Secretariat, the United Nations Development Programme, the United Nations Population Fund, the United Nations Children's Fund, the United Nations Office for Project Services and the Office of the United Nations High Commissioner for Refugees. Following are selected highlights from the present report, which covers the period from 1 January to 31 December 2009.

Achievements

The year 2009 was one of several important milestones for the Office of the United Nations Ombudsman and Mediation Services. All regional ombudsmen and case officers have been appointed (Bangkok, Geneva, Khartoum, Kinshasa, Nairobi, Santiago and Vienna). The Mediation Service is fully staffed and operational: mediation guidelines have been developed and several complex cases successfully resolved. Targeted efforts to reach out to staff, including those in remote locations, have

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been launched through videoconference technology as a cost-saving measure, field visits, in-person briefings, and departmental town hall meetings. The Deputy Secretary-General issued a memorandum to all heads of departments to encourage the use of informal resolution. The first five months of 2010 give an indication of the success of those efforts: there is a 33 per cent increase in the use of the overall services of the Office of the United Nations Ombudsman and Mediation Services and a 69 per cent increase in the rate of Secretariat visitors alone. It has been recognized that, when ombudsmen and mediators are physically present and are able to interface directly with visitors, many of the festering issues are brought forward and resolved. In about 80 per cent of all cases received by the Office during two recent field missions, a satisfactory solution was found by the time the missions were completed. In addition, in the second half of 2009, 79 per cent of the cases received did not proceed to the United Nations Dispute Tribunal.

Systemic issues

In paragraph 11 of its resolution 63/233, the General Assembly took note of the systemic issues identified in the last report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/64/314), emphasizing the role of the Ombudsman as a vehicle for reporting on broad systemic issues. Some systemic issues noted in that report related to the following concerns: job and career — staff selection and promotion; retirement age; reference checks; implementation of new contractual reform (1 July 2009); evaluative relationships — staff/management accountability; organizational leadership and management; legal, financial, regulatory and compliance — abuse of authority; compensation and benefits — lack of consistency in the application of the rules regarding entitlements and timeliness of payments; safety, health, well-being, stress and work-life — stress-related environment in the field; and coverage for trauma and post-crisis care. Further information and recommendations are provided in section III of the present report for the consideration of the General Assembly.

Statistics

The United Nations Ombudsman and Mediation Services overall case volume continues to be high, due in part to the growing recognition of the importance of informal resolution. In 2009, 1,287 cases, comprising 1,869 issues, were opened.

Incentives

In its resolution 63/253 (para. 20), the General Assembly requested the Secretary-General to consider and make proposals at its sixty-fifth session for providing incentives for employees seeking dispute resolution to submit disputes to mediation under the auspices of the Office of the Ombudsman. The present report contains proposals which were introduced by the Ombudsman at the Staff-Management Coordination Committee meeting held in Beirut in June 2010 and which were well received by the Committee. The Office of the United Nations Ombudsman and Mediation Services hopes that the General Assembly will consider these proposals favourably.

Budget

Increasingly, the Office of the United Nations Ombudsman and Mediation Services is requested to provide in-person intervention, as envisioned by the General Assembly. However, since the creation of the regional branches, no additional funding has been allocated in the Secretariat to allow the ombudsmen to provide in-person intervention to their regional constituency. Likewise, the provision of services, such as special political missions to remote locations, has been impacted. Provision of services to non-staff personnel, which the Office has been requested to cover (approximately an additional 40,000 persons), will require additional resources, as current capacity cannot accommodate this.

Conclusion

The success of informal resolution depends on a concerted effort to promote its use as a first step in resolving grievances. With appropriate capacity, the Office of the United Nations Ombudsman and Mediation Services is well positioned to prevent festering issues from erupting and help to create durable solutions to problems. In this context, the Office will continue to look for ways to build trust and credibility both in its services and in the larger context, within the Organization. The success of informal resolution also depends on a shift in organizational culture that recognizes the importance of conflict prevention and conflict management, to better deal with issues before they become public or adversarial. The United Nations will need to continue to evidence strong support in this area if it is to make progress.

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Preamble

Core principles

As the main informal pillar of the Organization's conflict resolution system, the Office of the United Nations Ombudsman and Mediation Services uses informal and collaborative approaches to resolving conflict at an early stage. The Office is guided by the core principles of independence, neutrality, confidentiality and informality, which are summarized below.

Independence

The Office maintains independence from other organizational entities, organs or officials; direct access to the United Nations Secretary-General, executive heads of funds and programmes and the Office of the United Nations High Commissioner for Refugees and senior management throughout the Organization as needed; access to information relevant to cases, except medical records; access to individuals in the Organization for advice, information or opinion on a particular matter.

Neutrality

Serves as advocate for justice and fair, equitably administered processes, not on behalf of any individual within the Organization, taking into account the rights and obligations between the Organization and the staff member, and the equity of the situation.

Confidentiality

The Office maintains strict confidentiality and not disclosing information about individual cases or visits from staff members; not being compelled by any United Nations organ or official to testify.

Informality

Informality includes not keeping records for the United Nations or any other party; not conducting formal investigations or accepting legal notice on behalf of the United Nations; not having decision-making powers; not making determinative findings or judgements.

I. Introduction

1. This is the sixth report of the Secretary-General to the General Assembly on the activities of the United Nations Ombudsman pursuant to General Assembly resolution 59/283. It is also the second report submitted to the General Assembly as the integrated Office of the United Nations Ombudsman and Mediation Services, established pursuant to resolution 62/228 to serve the Secretariat, funds and programmes and the Office of the United Nations High Commissioner for Refugees (UNHCR). In its resolution 64/233, the Assembly welcomed the submission of the first joint report for the entities covered by the integrated Office of the Ombudsman and requested the Secretary-General to submit such a report at the Assembly's sixty-fifth session and thereafter on a regular basis.

2. The present report covers the operations of the Office for the period from 1 January to 31 December 2009. It provides consolidated statistical information as well as systemic and cross-cutting issues brought to the attention of the Office as well as those that have been identified by the Ombudsman, together with related recommendations. Since the report is being finalized on the eve of the first anniversary of the Organization's new administration of justice system, it was also deemed necessary to review the progress achieved between 1 July 2009 and 1 July 2010 and to articulate challenges and important future directions for the integrated Office.

3. An overview of the process of consolidation and integration of the offices of the United Nations Ombudsman, the Ombudsman for the funds and programmes (United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA)/United Nations Children's Fund (UNICEF)/United Nations Office for Project Services (UNOPS)) and the Ombudsman of the Office of the United Nations High Commissioner for Refugees (UNHCR), is presented at the outset. In this context, the report describes ongoing efforts by the integrated Office to expand and decentralize its services, standardize its practices and devise and implement transitional arrangements to meet pressing needs. It also updates on operations of the regional branches and the Mediation Services, as well as the important outreach and advocacy work undertaken, including field visits, to raise awareness about informal conflict resolution and to build partnerships both internally and externally.

4. The report further responds to a request by the General Assembly, in paragraph 20 of its resolution 63/253, for the identification of incentives and the formulation of proposals that could be considered to encourage recourse to mediation for the informal resolution of workplace disputes. These incentives are viewed broadly and also apply to additional informal resolution services offered by the Office.

II. Office of the United Nations Ombudsman and Mediation Services

A. Ombudsman services

Overview

5. As expected, 2009 was a transitional year for the integrated Office on many fronts, with the transition continuing into 2010. On the one hand, and despite staff

shortages, it was critical for the integrated Office to continue to provide the broad spectrum of informal dispute resolution services within its purview and to respond to its constituencies' needs, both at Headquarters and in the field. At the same time, the Office of the United Nations Ombudsman and Mediation Services continued to engage in awareness-raising about the added value of informal conflict resolution, and in-person intervention in particular, which the General Assembly had strongly recognized by encouraging ombudsmen to focus additional attention to work more directly in regions, peacekeeping missions and duty stations. Concerted efforts were also made by the Office of the United Nations Ombudsman and Mediation Services to complete the launch of its regional hubs, strengthen integration among its different entities and enhance coordination with key stakeholders in the internal justice system. During this period of transition, the Office was actively engaged in the selection process of its regional ombudsmen and the filling of other vacancies at Headquarters. It was also faced with the impending retirement of three of its directors/ombudsmen who served the Secretariat, funds and programmes and UNHCR, respectively, and the need to maintain continuity in leadership and to ensure a smooth transition. Despite staffing constraints, the small team of staff worked hard to keep pace with the demand for resolving cases through informal resolution. More details concerning the staffing structure of the Office are provided below.

Increase in utilization rates

6. With the launch of the new administration of justice system in July 2009, expectations ran high that the demand for informal conflict resolution would increase, given the new regional ombudsman services approved by the Assembly and the linkages created with the formal system through the newly established Mediation Service. Although more time is needed to evaluate conclusively the extent to which this important policy impetus will be reflected in activity, utilization of the services of the Office of the United Nations Ombudsman and Mediation Services has noticeably increased in recent months. In the first five months of 2010, the Office observed a 69 per cent increase in its utilization by staff members of the United Nations Secretariat alone and a 33 per cent increase in its overall utilization.[1] These figures validate the spirit of the mandate provided by the General Assembly and the emphasis placed on the informal resolution of disputes. In addition to a potential increase in scope to cover non-staff personnel, which would require additional resources, the Office has noted an increased demand for services from the field including from management. Regional offices and a number of peacekeeping operations and special political missions have expressed the need for on-the-ground services. Numbers are expected to continue to rise as the Office completes its integration and decentralization process and as it continues to make headway in being regarded as an effective and solid component of the Organization's conflict-resolution system.

[1] Between 1 January and 31 May 2010, the Office received 716 requests from staff members to resolve their workplace concerns through informal means, compared to 539 during the same period in 2009 (i.e., a 33 per cent increase). For the Secretariat alone, the Office received 536 requests, compared to 318 during the same period in 2009 (i.e., a 69 per cent increase).

Conflict prevention

7. It has also been noted during the course of the past year that staff members increasingly contact the Ombudsman and Mediation Services as a preventive measure. This shift from relying on the Ombudsman as a measure of "last resort", when all else has failed, to a measure of "first resort" can be considered an important development. This important trend is the result of concerted and strategically planned outreach efforts that aim at encouraging employees to view and to seek informal resolution as a safe first step. In the words of the United Nations Ombudsman, the Ombudsman and Mediation Services can be viewed as a traffic guard that attempts to avoid collisions and points the travellers in the right direction. In this context, concerted efforts continue to be made by the Office of the United Nations Ombudsman and Mediation Services in the area of outreach, advocacy and service delivery to articulate the importance of resolving conflict early and informally, rather than allowing conflict to fester and then having to address issues when they are full-blown and oftentimes intractable. In many of the cases reflected in the present report, the intervention of the Ombudsman is made early and either helps to prevent adverse administrative decisions or helps staff to find ways of resolving the issue without pursuing formal action.

Range of services and value added through a collaborative approach

8. One of the unique features of the Office of the United Nations Ombudsman and Mediation Services is the broad range of dispute-resolution services that it provides, including facilitation, mediation, negotiation, team interventions, counselling, and coaching or mentoring, among others. This allows flexibility to identify the approach that will be most effective for the particular matter(s) being presented. The Office is further governed by the principles of confidentiality, independence, informality and neutrality. This unique modus operandi provides a haven for visitors and allows them to discuss the issues freely and without any hindrance or fear of retaliation. The Ombudsman uses a collaborative approach in identifying, evaluating and resolving issues to allow for sustainable solutions and to build conflict competence in staff members. Since the parties to the conflict themselves determine the resolution, the outcomes are more sustainable, reducing the risk of further escalation in working relationships or perception of adversarial positions which could result in the party seeking formal resolution. Given its integrated structure, the Office is also able to examine systemic and cross-cutting issues among its different entities, and to compare practices and approaches in the handling of cases. In this context, as indicated in its earlier report (A/64/314), the Office has observed that more managers are seeking its services, particularly in requesting team-based interventions and in dealing with issues they face as supervisors of staff. In a number of cases, the involvement of the Office of the United Nations Ombudsman and Mediation Services has led to a team-building exercise.

Complexity of cases

9. The scope of the Ombudsman's work is not only reflected in the source or number of cases received, but also in their increasing complexity. Often, a case brought forward by a staff member involves several parties to the conflict and a variety of issues that require individual approaches. For example, a visitor may raise issues on contractual status; interpersonal skills, entitlement and performance.

Although the Office has a good rate of closure with 95 per cent of cases opened by the Secretariat in 2009[2] being closed within a three-month period on average, it has been observed that multiparty disputes or cases involving numerous complex issues or contentious interpersonal relationships, or both, require more time for resolution.

Trends

10. During the period under review, the types of concerns most frequently mentioned by visitors across the Office of the United Nations Ombudsman and Mediation Services centred on job and career (35 per cent); evaluative relationships (21 per cent) and compensation and benefits (13 per cent). More details are provided in the statistical section in section IV. This trend was also observed in 2008 and serves to highlight the complex nature of workplace concerns and the significant job security and career issues at stake for the staff at large, regardless of their location, level or type of appointment. As was the case in previous years, a large portion of cases emanated from offices away from Headquarters and field operations. It has been recognized that when ombudsmen and mediators are physically present and are able to interface directly with visitors, many of the festering issues are brought forward and resolved. In two recent field visits alone, 80 per cent of cases were resolved by the Ombudsman delegation before leaving the mission area. It is expected that the deployment of the regional ombudsmen and the added opportunity to provide in-person intervention regionally will make a difference moving forward.

B. Mediation services

Overview

11. The Mediation Service, which was established by the General Assembly in its resolution 62/228, is part of the spectrum of services offered by the Office of the United Nations Ombudsman and Mediation Services. It operates under the authority of, and reports to, the United Nations Ombudsman, provides mediation services for the Secretariat, funds, programmes and UNHCR. The Service handles cases requested by the parties and the United Nations Dispute Tribunal, among others. A flow chart describing the mediation process is annexed to the present report.

Mediation guidelines and operations

12. The focus of the efforts by the Mediation Service in its first year of operation was in developing a strong foundation for providing the neutral, confidential, voluntary process that is the underpinning of this component of the Office of the United Nations Ombudsman and Mediation Services. The Mediation Service principles and guidelines were developed to facilitate the operation of the Service and to provide information to staff members regarding the mediation process. The guidelines have been posted on the Office website while awaiting appropriate promulgation and further steps towards its translation into all the official United Nations languages. In addition, a code of conduct for mediators was drafted which reflects the expectations of mediators both in their dealings with parties and with the

[2] The Office of the United Nations Ombudsman and Mediation Services received a total of 708 cases from Secretariat staff between 1 January and 31 December 2009, of which 674 have been closed, which represents a 95 per cent closure rate for said period.

Office of the United Nations Ombudsman and Mediation Services. Internal procedures and documents were further developed that facilitate the processing of cases and the transfer of key information between the Mediation Service and the formal system. All materials prepared for the Mediation Service will be reassessed regularly on the basis of practice and feedback from clients and key stakeholders, in order to ensure the highest quality in service delivery.

13. The creation of the Mediation Service generated a lot of interest among the staff population at large. Visitors seeking the services of the Office of the United Nations Ombudsman and Mediation Services often enquire about the Service and the procedures and principles governing its operations. The integration of the mediation with the ombudsman approach and the ease of interaction between them (e.g., matters initially in one approach, but ultimately determined to be more appropriate for the other, can be easily exchanged), has created a highly effective informal resource for staff members. The Mediation Service has handled a wide range of cases — several of them complex in nature — which were successfully resolved. The issues that were mediated included evaluative relationships and terms of separation.

Building a pool of on-call mediators

14. The initial staffing of the Mediation Service has been completed. The Director participated in both the induction and the retreat organized by the integrated Office in December 2009. On-call mediators for Headquarters were hired on an interim basis to meet pressing needs and began to handle the initial cases that came into the Service under the new administration of justice system. The Service launched the Latin American mediation pilot project in partnership with the World Bank and the Inter-American Development Bank (IADB) for the purpose of identifying on-call mediators for Latin America, which all three institutions could use. Efficiencies have been realized through joint recruiting, joint evaluation, and joint training of mediators in the context of this partnership. These mediators are an essential resource in fulfilling the plan to provide on-site mediation in conjunction with the regional offices and peacekeeping missions. Each collaborating entity (United Nations, World Bank, IADB) would arrange its own contracts with the on-call mediators. Training was planned for early 2010. Similar pilot projects are envisaged with the World Bank in Africa and the Middle East.

15. Most of the regional ombudsmen and staff of the integrated Office are trained in employment mediation as a cost-saving measure. Members of the team are able to support the Mediation Service and to act as a pool of readily available resources to be deployed to the regional branches if and when mediation services are required in those regions as part of the services of the regional branches.

Increased coordination with the formal system

16. One of the key priorities for the Office of the United Nations Ombudsman and Mediation Services in 2009 was to enhance its partnerships with other stakeholders involved in the administration of justice system with a view to strengthening the resolution of cases, while recognizing its independent role. Frequently, cases are referred for informal resolution, including mediation, by the United Nations Dispute Tribunal, among others. The Ombudsman and staff in his Office have interacted with the United Nations Dispute Tribunal judges and regular contacts are maintained

at the working level with the United Nations Dispute Tribunal Registry and other stakeholders in the internal justice system to facilitate the handling of cases when it comes to referrals. The Ombudsman also exchanged informal views with the members of the Internal Justice Council to brief them on the mandate and operations of the Office of the United Nations Ombudsman and Mediation Services.

Challenges

17. The cases that were referred for mediation during the reporting period illustrated some of the key challenges that the Service will face in going forward. The voluntary nature of mediation is an important element but it can be challenging to gain the agreement of both parties to participate in the process. Identifying and ensuring the presence or at least immediate access of the individual(s) who has the authority to settle all aspects of the matter was noted as another challenge. Finally, reaching a resolution or carrying through on a resolution can be hindered or derailed altogether due to lack of funds. These and other challenges are outlined in section V of the present report, together with incentives for recourse to informal resolution, including mediation.

C. Budget and staffing

18. The ombudsmen serving the Secretariat, funds and programmes and UNHCR continue to have separate budget and staffing arrangements.

Cost-effectiveness is important to the Office of the United Nations Ombudsman and Mediation Services

19. Informal resolution is cost-effective, resolving issues which might otherwise proceed to time-consuming and costly litigation. It further explores options that are decided by the parties concerned, thereby ensuring sustainable solutions, as opposed to adversarial positions, which ultimately affect the morale and productivity of staff. It also saves the cost of recruitment and training when it results in retaining high-performing staff and leaders in the Organization. Between July and December 2009, 79 per cent of the cases handled by the Office of the United Nations Ombudsman and Mediation Services did not proceed to the United Nations Dispute Tribunal.

20. In addition to the long-term benefits and cost-saving impact of ombudsman and mediation services, the Office has made identifying and implementing cost-saving measures an intrinsic part of its strategic planning. Some of the cost-savings measures are: ongoing training of all staff, including regional ombudsmen, in mediation to support mediation efforts as needed; strong emphasis on electronic awareness and education materials as a cost-saving and green effort; reliance on videoconferencing as a tool for outreach and advocacy, inter-office communications, and for briefing senior management and staff regarding the mandate of the Office; proposed streamlined reporting to save production and distribution costs, as well as human and other resources. Additional savings are garnered through locally recruiting on-call mediators. It should be noted that, while videoconferencing has proven to be effective in the ways noted above, it has not proven to be well suited for delivering ombudsman or mediation services.

21. Efficiency is also gained through joint recruiting, joint evaluation, and joint training of mediators with the World Bank, as mentioned above. The identification

of on-call mediators in the different regions who speak the local language and understand the cultural sensitivities inherent in each will ensure fast and efficient service delivery and contribute to saving travel costs.

Emerging challenge

22. Funding from the Secretariat has continued to rely on its pre-expansion budget for its mission travel. In addition to pre-planned periodic visits by the United Nations Ombudsman to the main duty stations and field operations, there is a need to respond to crises and requests for in-person intervention as and when they occur. Furthermore, the Office has very limited capacity to cover special political missions. Issues that fester where there are high levels of stress and harsh working conditions often escalate quickly. The lack or scarcity of funds to support unforeseen mission requirements hampers the Office's global capacity to deliver and ultimately affects its credibility. The Office needs to increase its capacity for missions to respond to the needs of staff in the field, in particular, and to give it flexibility to respond to emerging crises that warrant in-person intervention. Therefore the staffing and budget needs of the Office will continue to be assessed periodically for maximum efficiency and quality in service.

23. The Office of the United Nations Ombudsman and Mediation Services will request funds for a team-building retreat, which would serve for strategic planning, professional development and team-building.

24. The Office is also reviewing how to implement the auditors' recommendation on the need for dedicated administrative capacity within the context of the integrated and geographically decentralized structure, as described below.

Staffing

New ombudsmen/directors

25. During the reporting period, the Office of the United Nations Ombudsman and Mediation Services witnessed a change in leadership and staffing. All but one of the five director/ombudsman positions in the Secretariat, funds and programmes and UNHCR have been filled following a competitive selection process involving the United Nations Ombudsman and the outgoing directors/ombudsmen. In addition, all other vacancies at the Professional level have been filled following the established guidelines.

26. The position of Ombudsman/Director in the Secretariat was vacated and is in the process of being filled. An interim Ombudsman/Director was appointed to ensure a smooth transition. John Fields is the first Director of the Mediation Service. Helmut Buss and Mame Diagne are the two new ombudsmen for the funds and programmes. Johanna Langenkamp is the new Ombudsman of UNHCR.

Establishment of the regional ombudsman offices

27. Five regional branches were successfully launched during the reporting period, each headed by a regional ombudsman, as follows: Gabrielle Kluck in Khartoum; Gang Li in Kinshasa; Nicholas Theotocatos in Nairobi, José Martínez in Santiago; and Kyoko Shiotani in Vienna. The selection process of the regional ombudsmen for Bangkok and Geneva was inconclusive in its first round. However, a reposting has resulted in the selection of Louis Germain for Geneva and Susan John for Bangkok.

The recruitment of case officers (P-3 level) for the Congo and the Sudan has also been completed and the selection of local staff in the regional hubs, as approved by the General Assembly, is ongoing.

28. Local outreach and awareness programmes were conducted by the new ombudsmen in their respective duty stations. Their deployment, coupled with joint missions with the United Nations Ombudsman and his team from Headquarters, have allowed many of the difficult issues in those regions to be brought forward and resolved. The significant increase in its regional caseload serves to highlight the added value of the services of the Office of the United Nations Ombudsman and Mediation Services as an informal conflict-prevention and conflict-resolution mechanism, particularly when the ombudsmen work directly in the regions where the problems occur.

29. The regional ombudsmen and all the staff of the Office of the United Nations Ombudsman and Mediation Services contribute regularly to weekly meetings, including case debriefings aimed at reviewing lessons learned in handling cases and sharing best practices. These meetings also serve to identify systemic issues across the Organization and to formulate recommendations in relation thereto. Periodically, subject experts are also invited to brief participants on issues within their purview.

D. Office operations

Terms of reference

30. As requested by the General Assembly in its resolution 62/228 and subsequent resolutions, the terms of reference of the Ombudsman (ST/SGB/2002/12) have been revised following an extensive process of consultations involving staff and management, as well as the funds and programmes and UNHCR. The revised draft terms of reference incorporate the new elements approved by the General Assembly regarding integration, the establishment of regional offices and the Mediation Service. It also takes into account the prior terms of reference of the Ombudsman for the funds and programmes and the UNHCR Ombudsman and constitutes the integrated mandate of the expanded office. Reporting lines, consistency of terms and standards and scope are among the issues being discussed.

Scope

31. There have been discussions between the United Nations Ombudsman and the Fifth and Sixth Committees of the General Assembly on the issue of scope of access to the Office of the United Nations Ombudsman and Mediation Services. In addition, the Office is mindful of the fact that deliberations are ongoing in the General Assembly with respect to the scope of work of the new system of administration of justice and how this will impact the expectations of access to informal resolution. According to the report of the Secretary-General (A/62/294), there are 60,722 staff of the Secretariat and funds and programmes and 45,461 non-staff personnel. For example, UNDP alone has 24,435 service contractors and 19,919 special service agreements. The Office continues to seek ways to accommodate this expansion and requests that the General Assembly be mindful of the effect that it will have on the Office of the United Nations Ombudsman and Mediation Services. Clearly, at present, the Office does not have the capacity to serve non-staff personnel. In this connection, the Office would like to emphasize

that such an expansion in scope and area of coverage would require additional resources in order to ensure effective and expeditious service to the constituencies concerned. In the interim period, the Office of the United Nations Ombudsman and Mediation Services will continue to give priority to staff personnel in its servicing, advocacy and outreach work, both at Headquarters and overseas.

Induction, team-building and office retreat

32. Overseeing a geographically decentralized structure requires considerable symbiosis among the members of the team. With this in mind, the United Nations Ombudsman offered an induction programme to all staff in the Office of the United Nations Ombudsman and Mediation Services with training provided by the International Ombudsman Association in December 2009. This was followed by a retreat to integrate the new staff into the larger office. The aims of the retreat were threefold: (a) to help the team to clarify its vision of how it would function as an integrated but geographically decentralized office; (b) enhance its members' skills in intra-team communication and decision-making; and (c) get a first-hand appraisal of how members would all function as a team and operate collectively. The retreat emphasized the fact that adequate resources and organizational support for, and cooperation with, the mission of the Office, were critical in the phase ahead. It was also deemed necessary to hold regular retreats for the effective functioning of the team and its continued growth and development. Contact with other professionals in the ombudsman and mediation professions was also considered important for keeping staff abreast of new and innovative tools to optimize their effectiveness as ombudsmen. However, a follow-up retreat had to be cancelled, owing to a lack of resources. The Office of the United Nations Ombudsman and Mediation Services therefore decided to include the necessary provisions in its future budget submissions for this purpose.

Common premises and tools

33. In New York, the teams serving funds and programmes and the Secretariat have located under one roof, which was a critical step in the integration phase. This has greatly facilitated team coherence and interaction and serves to highlight the joint mission of delivering services as one. Great efforts were exerted by the integrated team for the design and development of the Office website, which has been revamped to incorporate the new services and structure approved by the General Assembly. The first phase in the road map for an integrated database has been completed. The new database relies on a common methodology for data collection and reporting and will provide consistency in interpreting trends and providing demographics of staff using the Office of the United Nations Ombudsman and Mediation Services. The database will be further refined during its second phase of operation based on feedback from the Office of the United Nations Ombudsman and Mediation Services team, including a reporting feature which would serve as a management tool, allow the Office to meet audit recommendations, as well as bring systemic issues to the attention of senior management on a regular basis. In this context, consistent data-gathering will enable timely analysis of cross-cutting systemic issues and formulation of appropriate recommendations.

Reporting

34. In accordance with General Assembly resolution 64/233, the Office of the United Nations Ombudsman and Mediation Services provides an annual report to the Assembly regarding its activities. The Office is considering ways of streamlining its reporting, saving costs and securing efficiency gains by preparing a comprehensive and detailed report to the Assembly on a biennial basis and a more abbreviated report during off years. Such a process would allow the Office to harmonize its reporting with developments in the areas of human resources and the administration of justice, if such reports were to be submitted to the General Assembly biennially. It would also be a cost-saving measure both for the Office of the United Nations Ombudsman and Mediation Services and for the Organization through the redeployment of resources to other productive activities. In terms of actual cost, there would be savings associated with production and distribution outlays, which would not occur in the off-years. The Office would welcome further consideration of this matter by the General Assembly.

Audits

35. In accordance with relevant General Assembly resolutions, and article VII of the Financial Regulations and Rules of the United Nations and the annex thereto, a team of external auditors visited the Office of the United Nations Ombudsman and Mediation Services in New York from 7 to 18 December 2009 to perform a comprehensive review of the Office's operations over the 2008-2009 period. Due to the strictly confidential nature of the Office's casework, the auditors did not consult papers or documents relating to its substantive activity in this area.

36. The external auditors noted the important progress made by the Office of the United Nations Ombudsman and Mediation Services on a number of fronts, while recognizing that active management of an expanded and geographically decentralized structure required stronger administrative and financial management. They further noted that, as staff gradually increased and ceased to be concentrated in New York, problems of daily management were likely to increase and would be a full-time occupation for an administrative officer. The auditors submitted recommendations that included, inter alia, the need for common data-collection methodologies and auditable mechanisms for measuring activity and performance of the Office. The recommendations made by the external auditors were duly noted and efforts are under way to implement them.

37. As it has done in previous years, Office of the United Nations Ombudsman and Mediation Services plans to continue to monitor its performance and assess its credibility impact through evaluation exercises conducted periodically. Due to the independent nature of the Office, all such reviews are conducted by subject matter experts external to the United Nations system.

E. Outreach and advocacy

Communicating for a more harmonious workplace

38. A number of important milestones have been reached and new initiatives launched to ensure that United Nations personnel are aware of and understand the role of the Office of the United Nations Ombudsman and Mediation Services. Major

communication efforts have focused on encouraging staff to contact the Ombudsman at an early stage and as a preventative measure in the spirit of the General Assembly's direction on informal resolution. Messages to this effect have been consistently built into all communication materials. These efforts have seen considerable impetus through replication by the regional ombudsmen at the local level.

39. Outreach efforts have resulted in a considerable increase in the number of requests to the Office (in 2010), particularly in the Secretariat, and have also stirred a greater interest in the use of collaborative strategies in daily office situations.

Communications tools: examples

40. A new website was launched in October 2009 in all six official languages of the United Nations and provides an entry point for the staff of all entities. In addition to receiving information on the services offered, staff can submit their request for services through the secure contact form which feeds directly into the Office's case database, thus saving resources that would be needed for manual intake. The Office of the United Nations Ombudsman and Mediation Services was the first office to launch a website in all the official United Nations languages after the new system of justice took effect. On average, the website receives approximately 300 visits each workday. The Office will seek to increase the number of visitors through targeted and more prominent placement of its link on relevant sites, for example, mission Intranets. UNHCR maintains its own Intranet website.

41. During the reporting period, the United Nations Ombudsman conducted quarterly debriefings with the Secretary-General, the Deputy Secretary-General and the Chef-de-Cabinet to inform them with regard to the operations of the Office and to highlight important systemic issues. The ombudsmen for the funds and programmes conduct briefings with the Executive Heads, as needed, and continue to issue separate annual reports, in addition to their contributions to the Office's annual report to the General Assembly,

42. In addition, the United Nations Ombudsman meets regularly with heads of key departments, such as the Department of Management and the Department for Field Support. Various departmental senior managers' groups have also been briefed on the advantages of informal conflict resolution generally and on how managers can effectively use it when disputes arise in their area. Upon invitation, the Ombudsman also presented the Office's services and trends observed to the Management Performance Board chaired by the Deputy Secretary-General. As a result, the Board recommended that the Deputy Secretary-General dispatch a communication to all senior managers urging them to closely collaborate with the Office of the United Nations Ombudsman and Mediation Services and encouraging recourse to informal resolution. This was subsequently done and is a highly valued initiative by the Office.

43. The Office of the United Nations Ombudsman and Mediation Services focuses on electronic communication materials as a cost-saving and environment-saving effort. It also takes into consideration the fact that not all parts of its constituency have access to electronic information, in particular, staff in the field. Therefore, a poster has been created on a pro bono basis by a graphic designer and will be placed in key areas and social meeting points (e.g., conference and training rooms) to make staff aware of the services and how to contact the Office. A brochure is also under

preparation. Pending the finalization of these products, a fact sheet about the mandate of the Office and its operations has been prepared. As a matter of principle, the Office of the United Nations Ombudsman and Mediation Services will spare no effort to make its communication materials available in all the official working languages of the Organization.

44. Staff away from Headquarters remain the most active users of the Office of the United Nations Ombudsman and Mediation Services. To address this demand, the Office launched a new outreach programme using videoconferencing technology. The United Nations Ombudsman and the Director of the Mediation Service held videoconferences with the United Nations Mission for the Referendum in Western Sahara, the United Nations Truce Supervision Organization and the United Nations Interim Force in Lebanon to promote informal conflict-resolution procedures and to collect feedback from staff in the field. While such an approach proved to be effective for outreach, it is of limited use in handling individual cases.

45. Following a meeting with the departmental management group in the Department for General Assembly and Conference Management, the Ombudsman and the Department jointly launched a pilot programme, which covered staff departmentwide, to promote collaborative strategies at the workplace. The programme focused on conflict strategy awareness, while at the same time encouraging the use of informal conflict-resolution mechanisms. The sessions included a feedback mechanism, which provided the Office of the United Nations Ombudsman and Mediation Services with information regarding the outcomes of the sessions, that is, concerns raised to the senior management of the Department for General Assembly and Conference Management at regular intervals.

46. According to the feedback collected, the majority of respondents had found the sessions useful and informative and were more likely to refer a colleague to the services of the Office of the United Nations Ombudsman and Mediation Services or to approach the Office themselves after participating in the information sessions. Overall, participants were interested in learning about conflict resolution and thought that the Office of the United Nations Ombudsman and Mediation Services was a valuable resource.

47. In-person intervention remains by far the most effective outreach exercise concurrently allowing for client contact and rapid conflict resolution. In view of the Office's geographically decentralized structure, field missions were conducted to additional locations, including the Economic and Social Commission for Western Asia, the Economic Commission for Africa, the International Criminal Tribunal for the former Yugoslavia, the United Nations Assistance to the Khmer Rouge Trials, the United Nations Integrated Mission in Timor-Leste, the United Nations Operation in Côte d'Ivoire, the United Nations Mission in Liberia, the United Nations Interim Force in Lebanon, the United Nations Disengagement Observer Force and the United Nations Truce Supervision Organization. These visits included intensive outreach to smaller in-country field offices.

48. In the funds and programmes, contact and outreach to offices in the field continued to be constrained by chronic understaffing of the Ombudsman's Office and increased demands relating to the harmonization of standards and staffing, as well as addressing the ongoing transition and ensuring effective case management. Under these circumstances, field missions to five countries, covering two regions, were carried out during the reporting period.

49. In UNHCR, five field missions covering six countries in Europe, Africa and Asia were conducted in 2009. The UNHCR Ombudsman also travelled to New York twice to participate in activities of the Office of the United Nations Ombudsman and Mediation Services.

50. The examples of tools cited in the present section for illustrative purposes are part of a concerted approach that is based on the needs of various target audiences. Other outreach exercises included regular meetings with staff representatives, participation in the Staff-Management Coordination Committee, joint town hall meetings with the Executive Director of the Administration of Justice, participation in a quarterly town hall meeting of the Department of Public Information, participation at inductions of staff, including the induction programme for senior officials in field operations, publications on iSeek and the Intranet sites of the funds and programmes.

Evaluation of outreach efforts

51. The Office of the United Nations Ombudsman and Mediation Services frequently evaluates its communication strategy and tools by measuring impact and introducing the necessary improvements. Feedback mechanisms include, for example, measuring the utilization of the website, feedback forms provided during outreach programmes and measuring the increase of usage of services after specific outreach exercises.

Keeping current on informal dispute-resolution trends

52. The United Nations Ombudsman attended several annual conferences of international ombudsman and mediation associations during the reporting period to facilitate and cultivate a professional networking structure, as well as to keep the Office of the United Nations Ombudsman and Mediation Services abreast of current trends in the field of informal conflict resolution.

Speaking with one voice at the organizational level

53. While the Office of the United Nations Ombudsman and Mediation Services can design and manage its own communications, it is even more important for the same messages to be disseminated at all levels in the Organization. Building trust in the informal system and allowing it to reach its full potential will require the efforts of decision makers at all levels to encourage staff to use the mechanisms established for them by the General Assembly.

Challenges

54. As indicated in the foregoing paragraphs, the Office of the United Nations Ombudsman and Mediation Services has been able to make progress on several fronts in its communications strategy, despite challenges, the most important of which are described here. The diverse constituencies served by the Office and the various internal communication tools used by the Secretariat, funds and programmes and UNHCR make it challenging and time-consuming to reach out to staff in a symbiotic manner. In addition, the different teams do not have adequate dedicated internal communications capacity, which limits their active participation in joint initiatives for the purpose of creating joint communication strategies. The transition to a new internal justice system and increased demand for ombudsman and

mediation services has further limited the capacity of the Office to conduct outreach to the level that its expansion and geographical decentralization requires.

III. Systemic issues

A. Source and context

Issue identification and reporting

55. In paragraph 11 of its resolution 64/233, the General Assembly took note of the systemic issues identified in the last report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services (A/64/314), and emphasized the role of the Ombudsman as a vehicle for reporting on broad systemic issues in order to ensure and promote staff welfare, good service conditions, and greater harmony in the workplace. The Office notes the request made by the General Assembly in paragraph 25 of its resolution 63/253 for the Secretary-General to report to it at its sixty-fifth session on specific measures taken to address systemic issues in the context of human resources management. It also welcomes the request made by the Assembly in its resolution 64/233 for regular reporting by the Secretary-General on actions taken to address the findings of the Ombudsman on systemic issues.

56. The establishment of the integrated Office across the Secretariat, funds and programmes and UNHCR has created the opportunity for a more global overview of the institutional causes of conflict within the United Nations common system and the sharing of ideas on how to address them effectively and meaningfully through partnering with various stakeholders. Regular contacts with relevant departments regarding specific cases and broader systemic issues have been initiated in that connection. Such dialogue has proved particularly constructive in the context of the proposed forum of key stakeholders to further analyse the issues identified. Efforts to further develop and streamline the operations of this forum will continue in the years ahead.

B. Issues identified during the reporting period in the Secretariat, funds and programmes and the Office of the United Nations High Commissioner for Refugees

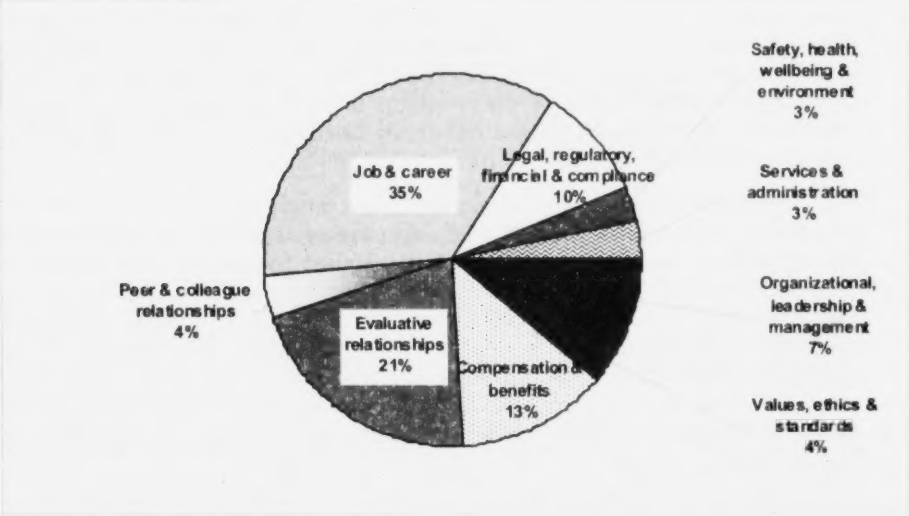
57. With the completion of the first phase in the road map for an integrated database and the launch of the new software, the Office of the United Nations Ombudsman and Mediation Services currently uses issue categories defined by the International Ombudsman Association[3] and is able to record and compare data in a consistent manner. In 2009, the most numerous categories of issues brought to the attention of the Office of the United Nations Ombudsman and Mediation Services

[3] The Office of the United Nations Ombudsman and Mediation Services uses the categories of the International Ombudsman Association: job and career; evaluative relationships; compensation and benefits; legal, regulatory, financial and compliance; safety, health, well-being, and environment; values, ethics and standards; peer and colleague relationships; organizational, leadership and management; and services and administration.

included "job and career" and "evaluative relationships",[4] "compensation and benefits" and "safety, health, well-being, and stress and work/life" issues.

58. Although the high percentage of cases relating to a particular issue is a strong indicator that a systemic problem exists, there are issues that are directly identified by the Ombudsman which are systemic in nature (rooted in policy or procedures) that have the potential for systemic impact. In identifying the systemic issues for inclusion in its annual report, the Office tries to maintain a balance between systemic issues that are characterized by case volume and other issues that may not yet produce such volume, but which are nevertheless noted as problematic and which can worsen if not properly addressed.

Figure I
Percentage of issues by category across the Office of the United Nations Ombudsman and Mediation Services



1. Job and career

59. During the reporting period, 35 per cent of the issues brought to the attention of the Office of the United Nations Ombudsman and Mediation Services centred on job and career concerns, a large percentage of which related to job application as well as selection and recruitment processes. The highest percentage of cases in the Secretariat (44 per cent) and in the funds and programmes (26 per cent) fell under this category, with 30 per cent in UNHCR.

(a) Staff selection and promotion

60. In the Secretariat, funds and programmes and UNHCR, a significant number of cases dealt with during the reporting period involved applicants who were dissatisfied with the appointment and recruitment process. Concerns were raised

[4] Evaluative relationships are defined as relationships in which one person has a reporting line to the other.

regarding a perceived lack of transparency, integrity and confidentiality of the process and, in some cases, candidates were suspicious of the selection exercises and felt that finalists had been pre-selected. Some felt that, despite the fact that they had met the requirements of the post, they had not been short-listed or that, if not selected, they had not been given feedback by their programme manager regarding areas for development. A number of staff members also reported that the process did not afford them adequate career opportunities and left them with very little recourse after a selection had already been implemented. The visitors concerned explored alternative solutions with the Office of the United Nations Ombudsman and Mediation Services and utilized the mechanisms available under the new administration of justice system as at 1 July 2009.

(b) Lack of career opportunities for long-serving staff

61. Lack of career progression is another source of dissatisfaction with job selection and promotion. Frustration regarding the absence of career progression and opportunity affected a number of long-serving international and locally recruited staff members in the Secretariat at all levels. Many reported that, despite excellent performance evaluations, they had been bypassed for promotion or lateral moves and an external candidate had been selected for those positions. Although they recognized the programme managers' prerogative to select staff, the individuals concerned felt that the process was flawed and that it often favoured external candidates over qualified internal candidates.

62. In UNHCR, 34 per cent of the visitors who sought Ombudsman services were over 50 years old. Approximately half of the men and one third of the women in that age group were concerned about having reached an impasse in their career advancement. While there appears to be no intended bias in the posting process, older applicants felt that, in spite of their accrued wisdom, experience, knowledge of the Organization and emotional intelligence, they may have sometimes been overlooked for reasons of team dynamics and continuity, among other considerations.

63. More broadly, many of the cases handled across the Office of the United Nations Ombudsman and Mediation Services highlighted the difficulties encountered by a number of staff members towards the end of their career in finding suitable opportunities. From the perspective of the managers, priority should be given to the selection of qualified candidates who would provide services in the long term, which would avoid the need for frequent posting of job vacancies and lengthy recruitment processes. From the perspective of the staff members concerned, the Organization was not recognizing the value added by long-serving staff and the institutional knowledge and expertise that they brought to the workplace.

64. The effectiveness of the Organization depends strongly on its organizational capabilities, namely, the combination of skills, technical competencies and expertise, as well as the working relationships of the staff. To achieve this goal, the Organization must continue to attract talented staff and provide robust career and developmental opportunities, taking into account the experiences and skills of staff.

Recommendations

1. It is recognized that the number of applicants will always supersede the number of posts that are available in the system and that candidates who are not selected may believe that the process is unfair. However, the Organization can take steps that may enhance staff confidence in the recruitment processes by engaging more in the career development of staff. Mobility is one such mechanism, if properly and effectively designed and implemented, learning from best practices of other United Nations organizations that have embarked on this.

2. The Office of the United Nations Ombudsman and Mediation Services recognizes the launch of the voluntary initiative for network exchanges by the Office of Human Resources Management in response to the Secretary-General's policy to encourage mobility among staff members in the Organization. The initiative is a voluntary programme that enables staff members to move laterally across departments and duty stations within their job network. The Office of the United Nations Ombudsman and Mediation Services supports the initiative, but notes, however, that it is limited to participating departments and should be broadened to include other departments as well as other United Nations agencies. The lessons learned should be used to strengthen the programme and the success stories shared with staff.

3. Staff who have served the Organization for a decade or more with an excellent performance record and who continue to remain in their functions, should be provided with individual counselling initiated by the Organization in order to assess their future career prospects and help to direct their efforts. In UNHCR, a career management support section was established in 2009 to deliver career management services and ensure strong links between performance and career planning. It is recommended that the UNHCR perspective be explored and that professional career counselling be further strengthened and enhanced throughout the Organization by making it an intrinsic part of workforce planning and career management.

4. Such staff should be given consideration for temporary vacancies, which should be advertised on a global, rather than a duty-station, basis.

5. The new performance management system should require the managers to provide coaching and developmental support to staff and to have a clear understanding of their strengths and needs for improvement. This is a fundamental component of the accountability of managers. Managers who have followed this approach should be acknowledged.

6. One of the functions of the senior management team, which has been established in each department, office or mission, is to assist the head of the respective offices to develop a performance and development strategy. At least once a year, the team is required to devote a meeting to performance management and to review the staff development and career support needs of the staff in the light of strategic human resources management issues for their departments, including training and succession management. It is crucial that the senior management teams meet as outlined in their mandate and that they

also examine human resources issues and people management in their deliberations.

7. Moving forward, designated representatives of the senior management teams in each department should meet periodically to review cross-cutting issues, as well as career and development opportunities across the Organization. Representatives of the funds and programmes should be invited to participate in senior management team meetings, which would also help to promote mobility and sharing of best practices.

8. Managers should be sensitized to recognize the value added by staff members that are nearing the end of their careers. Efforts should be made to ensure speedy and effective workforce and succession planning. The wealth of knowledge and institutional memory that such individuals bring should be fully utilized in developing succession-planning strategies. For example, a monitoring mechanism could be set up to identify staff nearing the end of their careers who could be placed in assignments that would also allow them to transfer their knowledge.

9. The Office of the United Nations Ombudsman and Mediation Services recognizes that, in addition to management, staff members should be proactive in identifying opportunities, undertaking staff-development activities and taking some degree of control of their own career development.

(c) Retirement age

65. A significant number of staff members approached the Secretariat office in relation to the issue of retirement age. These visitors, who resigned from their functions in the parent duty station in order to take up a new appointment in the field or other United Nations agencies, were of the view that their retirement age should be determined by the rules in force after 1 January 1990 (i.e. they would retire at 62). This was flagged by the Office of the United Nations Ombudsman and Mediation Services on previous occasions as an issue that required harmonization in consideration of the unique situations faced by staff. The administration, however, has maintained that the age of 60 should apply because the resignation was for administrative purposes only and the staff members concerned had not had a break of service of one day or any other change in their contractual arrangements. Many of the staff members sought a formal remedy from the Management Evaluation Unit, which upheld that the applicable retirement age should be 62 for staff who rejoined the Organization after 1 January 1990.

Recommendation

The Organization should provide clear guidance on the circumstances in which the retirement age of 62 will be deemed to apply to staff who rejoined the Organization after 1 January 1990 without a break in service from their previous assignment. It should also ensure system-wide recognition of that policy.

(d) Reference checks

66. Reference checks were mentioned as a source of concern in the Secretariat and in the funds and programmes. The process is said to be cumbersome and time-

consuming, and often requires the active participation of the applicants, who are frequently not informed that references are pending from the persons they have listed. It can take several months before reference checks are completed and this has significantly delayed recruitment procedures and impacted the ability of managers to respond to the expectations outlined by the Secretary-General in the human resources action plans.

Recommendations

1. Reference checks should be completed before a letter of offer is issued. Where delays are experienced by virtue of referees not responding, the candidates should be informed for proper follow-up.

2. Consistent guidelines on the conduct of reference checks should be issued, including how these should be interpreted and timelines within which this process should be completed.

3. The existing dedicated human resources services, which currently lack the manpower and capacity to conduct reference checks globally, should be reinforced. Alternatively, the authority to carry out reference checks could be delegated to executive offices across the system or other areas as best identified (for example, dedicated centres).

4. Reference checks conducted by one organization should be recognized by other entities in the United Nations system. Bearing in mind the need to preserve confidentiality of the exercise, online availability of reference checks and related data would reduce delays in the process.

(e) Implementation of new contractual reform on 1 July 2009

67. Temporary appointments introduced as part of the new contractual modalities have caused concerns in terms of, on the one hand, the expectations of staff to serve for longer periods, and on the other, the operational needs of the Organization to have a tool to recruit staff for peak workloads or to carry out special projects. Frequently, managers prefer to retain such staff, in view of the experiences gained by them.

Recommendations

1. There is need to maintain a balance between the operational needs of the Organization and the expectations of staff who are recruited on a temporary basis. Although this type of appointment remains to enable the Organization to manage its short-term operational needs, managers need to exercise caution in their delegated authority to initiate such recruitments, which inherently create expectations for the contract-holders.

2. Staff members serving on temporary appointments should be clearly informed of the limitations pertaining to their contracts.

2. Evaluative relationships

68. Of the issues brought to the attention of the Office of the United Nations Ombudsman and Mediation Services in 2009, 21 per cent were related to evaluative relationships, which constitutes the second most prevalent category among visitors

to the Secretariat branch (16 per cent) and the funds and programmes (21 per cent) and the largest category for UNHCR (31 per cent). Interpersonal differences between managers and subordinates are a major cause of issues and the cases handled have highlighted concerns from both managers and staff. Rulings by the United Nations Dispute Tribunal seem to substantiate the existence of instances of poor standards of good management practices.

Staff/management accountability

69. On the one hand, staff with concerns about their supervisors reported that the expectations of managers were not always adequately or clearly translated into workplans or conveyed to staff. In such cases, the visitors concerned indicated that the managers did not assist the staff to have a clear understanding of their strengths and their needs for improvement or professional growth. The issue becomes more complicated during the performance appraisal exercises, when managers reportedly do not provide feedback in a timely manner or use this end-of-cycle appraisal process to convey concerns on the record without any prior exchange with the staff member concerned.

70. On the other hand, managers with concerns about staff under their supervision reported that they often lacked the proper tools or support to carry out their functions. In a number of cases, newly assigned managers did not receive the necessary cooperation from the staff under their supervision, and believed that this often led to mobbing, divisions and tension within teams. This is a common scenario in situations where the officer-in-charge or second in command applies for the job, does not get it, and tips staff morale against the new manager.

71. Team interventions and facilitation are two of the dispute-resolution procedures used by the Office of the United Nations Ombudsman and Mediation Services to assist managers and staff who found themselves in the types of situations described above.

72. Managers have also reported that feedback regarding competency areas that needed to be developed was in some instances perceived as harassment or abuse of authority by dissenting parties. Concerns by managers therefore revolved around the need for them to be provided with the necessary tools and support to manage and carry out their responsibilities without fear of litigation or being automatically subjected to appraisal rebuttal processes.

Recommendations

1. The Organization should build on the experience gained with the management and leadership development programmes, recommendations of the Office of Internal Oversight Services and the auditors, etc. to provide more targeted and customized training to staff in key functions, while continuing to offer development opportunities to all staff. The performance of the managers following such training should be continuously monitored to assess the impact of such training.

2. When a new manager assumes his or her functions, proper orientation and induction should be initiated early. In addition, team-building exercises should be undertaken at the outset to ensure a smooth transition. Where staff problems are identified, a monitoring mechanism should be put in place.

3. When a new manager is appointed, special attention should also be paid to the career management of the manager who served as officer-in-charge.

3. Organizational, leadership and management

73. Questions under this category of issues deal with, inter alia, the organizational climate and change management, as well as issues with leadership in the organization and management styles. In 2009, 7 per cent of the cases brought to the Office of the United Nations Ombudsman and Mediation Services concerned organizational, leadership and management issues, namely, 3 per cent from Secretariat staff, 16 per cent from the funds and programmes and less than 2 per cent in UNHCR.

74. The Office noted that, across organizations, leadership-training programmes had been established but participation remained scarce, despite the mandatory nature of many of those programmes.

75. Such cases brought by Secretariat staff, related to poor leadership, such as the alleged lack of direction from senior management on programmatic delivery and people management. It should be noted that, as part of management reform, the Secretariat is moving away from putting the focus on evaluation and performance appraisal to looking at the entire spectrum of performance management, which includes performance improvement, staff development, training, cross-training, multirater systems, 360-degree and regular performance feedback. In previous reports, the United Nations Ombudsman had recommended that the necessary mechanisms be put in place in order to properly assess the effective use of entrusted managerial authority, such as 360-degree managerial evaluations.

76. In the funds and programmes, it has been noted that rulings by the United Nations Dispute Tribunal seem to substantiate the existence of instances of low standards of good management practice. In addition, the rulings point to a need for a more deliberate approach to people management and conflict management. The Office acknowledges efforts made to improve management skills and practice, through senior management response, coaching, training, workshops, and global assessments, such as the global staff survey, introduced by two organizations.

77. UNHCR has invested significantly in management learning activities, 360-degree feedback exercises for managers, code-of-conduct training on building a respectful workplace and understanding power relationships.

Recommendations

1. The participation of managers in leadership-training programmes, which is often made difficult due to the exigencies of work, should be facilitated.

2. As a matter of practice, organizations could encourage all staff and management to work at resolving conflict informally as soon as managerial issues emerge.

3. Managers are responsible for providing a harmonious working environment for their staff and should thus be reminded of their responsibility to address badly managed conflict early. Conflict-resolution training should be organized for individual units and sections, taking into account their specific needs.

4. Legal, regulatory, financial and compliance

78. In accordance with the guidelines and categories of issues set by the International Ombudsman Association, which the Office of the United Nations Ombudsman and Mediation Services applies in its reporting, questions, concerns or issues that may create a legal risk (financial, sanction) for the Organization or its members if not addressed, fall under the above category. Such issues include harassment, discrimination, retaliation and investigative or disciplinary processes.

79. During 2009, 10 per cent of the issues brought to the attention of the Office of the United Nations Ombudsman and Mediation Services concerned legal, regulatory, financial and compliance cases, namely, 8 per cent in the Secretariat, 11 per cent in the funds and programmes and 11 per cent in UNHCR.

(a) Harassment/abuse of authority

80. The Office of the United Nations Ombudsman and Mediation Services has continued to receive cases involving different forms of harassment, including abuse of power and sexual harassment. The staff members concerned are seeking more rigid implementation of the Secretary-General's bulletin on the subject (ST/SGB/2008/5). This also highlights the need for managers to be trained and sensitized to such critical issues.

81. A number of staff members have also complained about "repeat offenders", namely, managers who are lacking in interpersonal skills and who are moved around from one United Nations office to another United Nations office when problems occur, rather than being held accountable.

82. The Executive Heads of the funds and programmes have issued strong messages stating that harassment and abuse of authority would not be tolerated. The difficulties in ensuring that those directives are fully implemented in a timely and effective manner continue to be a challenge.

Recommendations

1. Standard operating procedures should be put in place in all departments and major offices to deal promptly with allegations of harassment, discrimination or abuse of power, as referred to in Secretary-General's bulletin ST/SGB/2008/5.

2. The introduction of an online training programme on harassment was a good start, particularly in reaching a wider audience globally. However, this programme needs to be strengthened, increased and complemented by in-person training for managers based on lessons learned, for example, through various investigation panels, Office of Internal Oversight Services audits, etc.

(b) Delays in investigations

83. A number of staff members also expressed concern about the inherent delays in investigations and the impact of such delays on their career development and contractual status. The anxiety over this period and the impact of the investigations on family life can be unbearable for many staff. The Organization should address the delays in investigations and ensure that they are concluded expediently so that

staff members are not made to suffer unfairly, be stigmatized and go through protracted investigative proceedings.

Recommendations

1. There should be a time limit within which the investigations panels and the conduct and discipline teams in peacekeeping missions should conclude their findings. These should be completed at maximum within three to six months.

2. Staff who have made complaints and those who are under investigation should be informed of the steps taken in the process of investigations or provided with feedback on the status of investigations. This would also avoid the perception by complainants that no actions are being taken by the Organization.

5. Compensation and benefits

84. Of the issues raised across the Office of the United Nations Ombudsman and Mediation Services in 2009, 13 per cent were related to compensation and benefits, which represents the third largest number of issues raised by visitors from the Secretariat (15 per cent), funds and programmes (12 per cent) and UNHCR (9 per cent).

(a) Lack of consistency in application of the rules regarding entitlements

85. Visitors were concerned that payment of entitlements/benefits was not consistently applied within Departments, between duty stations or in the interpretation of policies governing such entitlements. Inconsistencies also existed between entitlements paid by various agencies in the same duty stations. Staff were often not advised about their eligibility for payment of entitlements or how these were calculated.

86. In the funds and programmes, visitors have continued to raise concerns about incorrect procedures or calculations in determining entitlements of staff members, which, in turn, has been a source of concern for the Office. There is a need for issues such as nationality change and child adoption to benefit from consistency across agencies in relation to policy interpretation.

Recommendations

1. The organizations may wish to increase the frequency of human resources audits to assist country offices in ensuring greater consistency in human resources management and delegated authority in this area, as well as better adherence to due process. Furthermore, a review should be made of most frequent concerns of staff regarding entitlements. Briefings on such matters should be provided.

2. The appropriate mechanism should be established to ensure consistency in the application of entitlements within the Organization.

3. More broadly, there is a need to ensure system-wide coherence in the application of entitlements and benefits. The possibility of harmonizing entitlements across agencies should therefore continue to be explored.

4. There is a need for issues such as nationality change, the implications of dual nationality, and the recognition of child adoption to benefit from consistency in interpretation across the agencies.

(b) Time limits of entitlements/responsibility for initiating the payment of entitlements

87. Issues of entitlements also arose in the context of denied claims from staff members on the basis of staff rule 3.16, which sets out the limits for which payments to allowances, benefits, etc., may be made on a retroactive basis. Visitors specified that, on the one hand, they had not been informed of their entitlements but that, on the other hand, when they had come to find out about such benefits from their colleagues, they had been told that they had missed the one-year deadline for submitting such claims.

88. Visitors also expressed concern at the length of time it took for them to receive reimbursement of their claims, including their pension fund benefits, and that it was often necessary to approach the Ombudsman's office to ascertain the status of the claim(s).

89. It is noted that the Office of Human Resources Management is in the process of streamlining business processes in relation to payment of benefits and entitlements and that the enterprise resource planning would further achieve efficiency gains, simplification and expeditious processing. In the interim, the following recommendations are being made.

Recommendations

1. All staff should be fully apprised of their entitlements, including those that may apply subsequent to their appointments (mobility and hardship allowance; lump-sum payment of assignment grant, etc.). Where entitlements exist, these should be automatically paid and staff should not be penalized for not asking for them within the one-year retroactive time limits. These should include such current pending cases.

2. Time limits should be set for payment of entitlements and a focal point identified in human resources offices where staff can turn to for information or to discover the status of their claims.

6. Safety, health, well-being, stress and work/life

90. Safety, health, well-being and environment cases accounted for 3 per cent of cases overall brought to the integrated Office, namely 4 per cent in the Secretariat, 2 per cent in the funds and programmes and 3 per cent in UNHCR. Of the persons who visited the Office of the United Nations Ombudsman and Mediation Services in 2009, 75 per cent were located outside Headquarters. Field operations as well as field or country offices are often stressful environments that affect individuals and groups on a daily basis.

(a) Stress-related environment in the field

91. In field operations, large populations of staff members are working and living in environments where safety and security constitute permanent concern. The United Nations Assistance Mission in Iraq, the United Nations Assistance Mission

in Afghanistan, and the African Union-United Nations Hybrid Operation in Darfur are particularly stressful in that regard. It was noted that such stressful environments have an impact on the workplace and tend to aggravate conflicts. The situation is made more challenging when man-made and natural disasters strike.

92. While the Organization has mechanisms in place to provide counselling to staff members who work under duress and harsh conditions on a daily basis, there is an apparent disconnect between the demand for services and the overall consistency in the resources decided by individual field operations to provide the services of stress counsellors. United Nations Volunteers have often been solicited to fill in the gap and meet the need for counselling staff. Their services are acknowledged but the missions need to put more emphasis in this important area. The Critical Incident Stress Management Unit of the Department of Safety and Security is currently conducting a benchmarking exercise to harmonize and streamline the recruitment of staff counsellors in field operations. Existing policies need to be fully implemented and counselling services provided at the appropriate levels.

93. Cases originating in field operations have also revealed that welfare is a neglected need and, although mandatory policies are in place, these are frequently not effectively implemented. Even if managers recognize the importance of welfare programmes openly, insufficient sustainable measures are taken to ensure that such programmes are anchored in the missions. It is often up to volunteers to form welfare committees and therefore their outcome is variable.

94. The various services available to staff on counselling, medical services, etc., need to be integrated into a larger health-care management system to create synergies and ensure consistency in the services provided.

95. In the funds and programmes, policies to promote better work-life balance need to be implemented more seriously and systematically. High levels of stress were exhibited by staff in some country offices. Insecurity, concerns about personal welfare, and distress brought about by precipitated job change or contractual modification have had an impact on workplace productivity and morale. In addition, the psychological consequences of continuing abuse of authority can be distressing, and the Ombudsman made first-hand observations of the decline in mental well-being that results from daily contact with alleged harassers.

Recommendations

1. It is recommended that the existing system-wide counselling services programme be strengthened with proper resources that ensure continuity, consistency and adequate follow-up to staff, particularly in field operations. Although there exist provisions of staff counselling services, they lack the manpower and facilities to handle the volume of work, the increasing complexity of the cases and the necessary follow-up, including with individuals who are evacuated from their respective duty stations for different reasons. It is also recommended that staff counsellor services be made fully available until the end-of-mission mandates when closing down operations. Further, missions should ensure that the existing policy on welfare is implemented properly.

2. It would be critical for the Organization to continue to enhance its ability to gather resources at particular times in strategic ways. Of equal importance is

the availability of such resources on a long-term basis and not just when disasters strike. Mobile teams of counsellors, including networks of external local counsellors, should be strengthened, redeployed and rotated periodically to the different regions, including non-family duty stations.

3. In order to complement relief efforts on the ground and to ensure the well-being of staff and the quick settlement of any employment-related concerns, it is also recommended that critical ombudsman response teams from the Office of the United Nations Ombudsman and Mediation Services be deployed for this purpose. This proposal is elaborated on further in section V of the present report.

4. The Medical Service globally could be invited to share their experiences regarding concerns they have witnessed from staff at the field level and their own recommendations on how to address these.

5. The Office of the United Nations Ombudsman and Mediation Services recognizes the value added by existing programmes and initiatives, such as the Staff Outreach Support Programme in the Secretariat which is a network of peers in the Secretariat and offices away from Headquarters that provide confidential emotional support to staff members and their families who may be experiencing frustrations and other forms of stress. The rapid response mechanism in the funds and programmes provides similar services. UNHCR has a staff welfare programme, a network of peer support staff at the field level and a growing network of Respectful Workplace Advisers. These are all examples of good practices that should be sustained and strengthened.

6. The Organization should ensure the full implementation of mandatory training to staff members periodically to cope with stressful work environments in field operations. The Organization may also wish to consider including stress-management strategies as a competency to be tested during the interview process for managerial positions in the field.

7. All field operations are expected to have staff counsellors as a matter of policy, although this does not seem to be implemented across the board. Coordination between the staff counsellors across field operations should be facilitated and a list of all serving staff counsellors compiled. There is also a need to increase the use of locally based stress counsellors who understand the culture and the language of the area where the mission is located.

8. Policies to promote better work-life balance need to be systematically implemented throughout the Organization and managers encouraged to facilitate this process.

(b) Coverage for trauma and post-crisis care: update

96. As mentioned in earlier reports (A/62/311 and A/64/314), the United Nations Ombudsman had strongly urged that more attention should be paid to the post-crisis and long-term needs of survivors and their families and that a special mechanism be created for this purpose. The Critical Incident Stress Management Unit works to this effect and should receive continuous support. It is gratifying to note that a working group on staff humanitarian affairs has since been established in order to consider how the Organization could respond in a more consistent way in the wake of malicious attacks against the Organization.

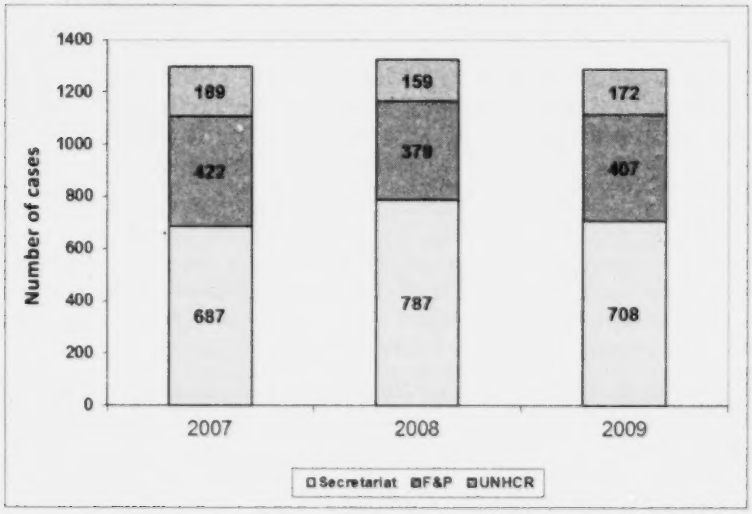
97. The United Nations Ombudsman previously supported the working group's recommendation to establish a unit that is dedicated to providing both the operational and policy perspective to ongoing support for survivors and family members of deceased staff members. Drawing from the lessons learned from major incidents over the past seven years, the Secretary-General implemented that recommendation by establishing the Emergency Preparedness and Support Team in the Office of Human Resources Management, which is a very welcome step.

IV. Statistical information

A. Case volume

98. The overall case volume of the United Nations Ombudsman and Mediation Services continues to be high.[5] This is, in part, a reflection of the growing recognition of the importance of informal resolution means and the increased demand for its services. Other drivers of this trend are the Office's outreach campaigns and its track record. The establishment and staffing of regional branches should help to expand the access of more staff to the Office's services.

Figure 2
Trend of number of cases opened, 2007 to 2009 for Secretariat, funds and programmes and the Office of the United Nations High Commissioner for Refugees



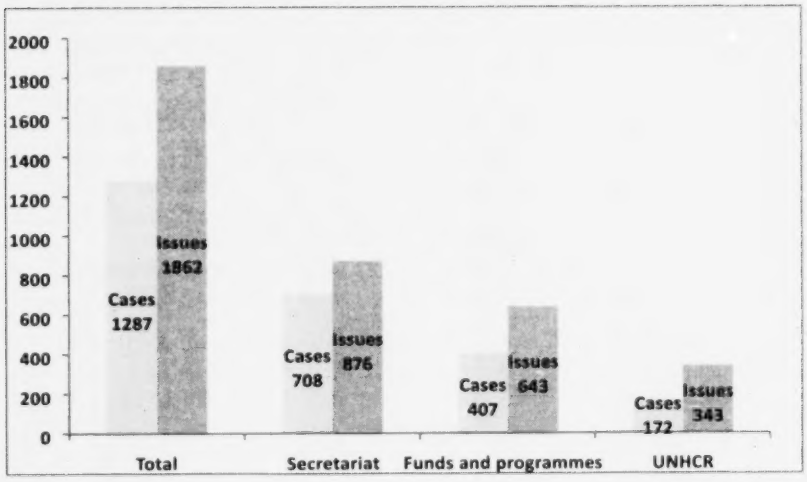
99. In 2009, 708 cases were opened in the Secretariat Office; 407 in the funds and programmes and 172 in UNHCR, which also continued to work with 64 visitors who had approached the Office in a prior reporting period.

[5] Integrated office or integrated United Nations Ombudsman and Mediation Services refers to the entirety of the United Nations Ombudsman and Mediation Services serving the Secretariat, funds and programmes and UNHCR.

100. The reporting period was one of transition with the adoption of the new issue categorization scheme, the establishment of regional branches and the creation of a mediation service. These changes resulted in improved efficiency of dispute resolution. Visitors' issues are now defined and recorded with greater specificity than under the prior methodology, and the assistance provided by the United Nations Ombudsman and Mediation Services has become diversified and decentralized.

101. During the reporting period, the Office noted an increase in cases that were complex, multi-issue grievances. Such complicated cases, whether part of informal or formal resolution, are costly in terms of stress-related health problems, psychosocial effects, such as mental and physical distress, absences, sick leave, emotional detachment, and staff inability to perform or function fully on the job. The Organization could strive to raise awareness among staff of the adverse outcomes of badly managed conflict and might consider tracking conflict-related data such as sick leave absences and turnover of staff.

Figure 3
Issues per case for the United Nations Ombudsman and Mediation Services (total), Secretariat, funds and programmes and the Office of the United Nations High Commissioner for Refugees



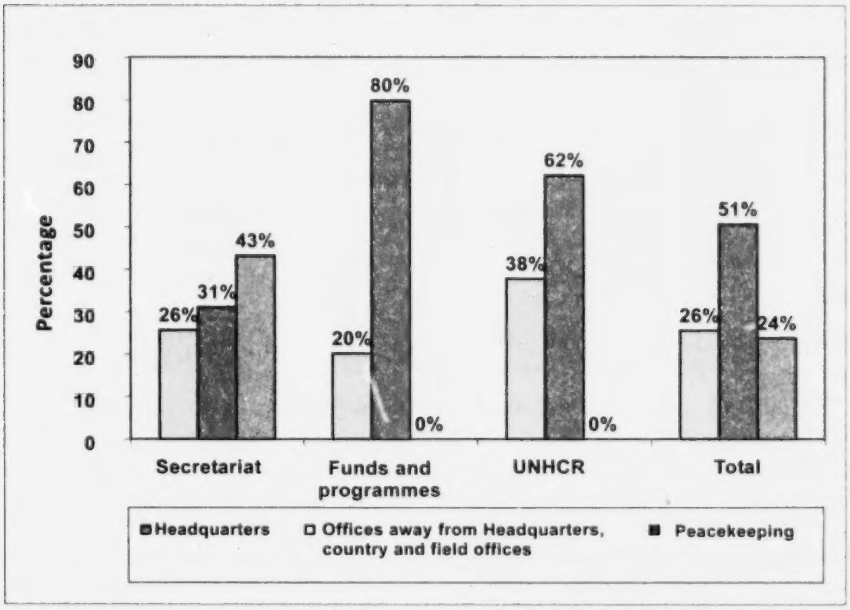
102. The number of issues per case on average for the Office as a whole was approximately 1.5, ranging from 1.2 for the Secretariat, to 1.6 for funds and programmes and 2.0 for cases in UNHCR (figure 3). Apart from visitors' stress level and anxiety, many cases require dealing with complex policies and procedures that change over time and are not implemented consistently throughout the organization(s). Dealing with this level of complexity requires a high level of skill and more time for resolution.

B. Demographics

Number of cases by types of office location across the United Nations Ombudsman and Mediation Services

103. The types of office locations in the Secretariat are Headquarters in New York, offices away from Headquarters and peacekeeping/special political missions. For funds and programmes, office types are headquarters in Copenhagen and New York and country offices, and for UNHCR, they are headquarters in Geneva and field offices. Figure 4 shows how the breakdown of visitors by type of office varies among the Secretariat, funds and programmes and UNHCR. Paragraphs below figure 2 address specifics for each of Secretariat, funds and programmes, and UNHCR. Across the United Nations Ombudsman and Mediation Services, only one fourth of the visitors were from headquarters locations and another 24 per cent of visitors were from peacekeeping or special political missions. The majority of the visitors (51 per cent) worked in offices away from Headquarters, country offices or field offices.

Figure 4
Percentage of cases by types of office location in Secretariat, funds and programmes, the Office of the United Nations High Commissioner for Refugees and in total



104. The distribution of Secretariat visitors by type of office is not precisely proportionate to the distribution of the Secretariat population. Specifically, 17.5 per cent of the Secretariat population is Headquarters staff, whereas visitors to the Office from Secretariat Headquarters comprised 26 per cent of all Secretariat visitors. Similarly, 27.5 per cent of the Secretariat population is from offices away from Headquarters whereas the percentage of visitors from offices away from

Headquarters was 31 per cent. Lastly, peacekeeping or special political missions make up 55 per cent of the Secretariat population; however, visitors from peacekeeping or special political missions totalled 43 per cent of visitors from the Secretariat. Additional efforts have to be made to reach peacekeeping personnel; the establishment of regional ombudsmen in Khartoum and Kinshasa will certainly have significant impact in the phase ahead.

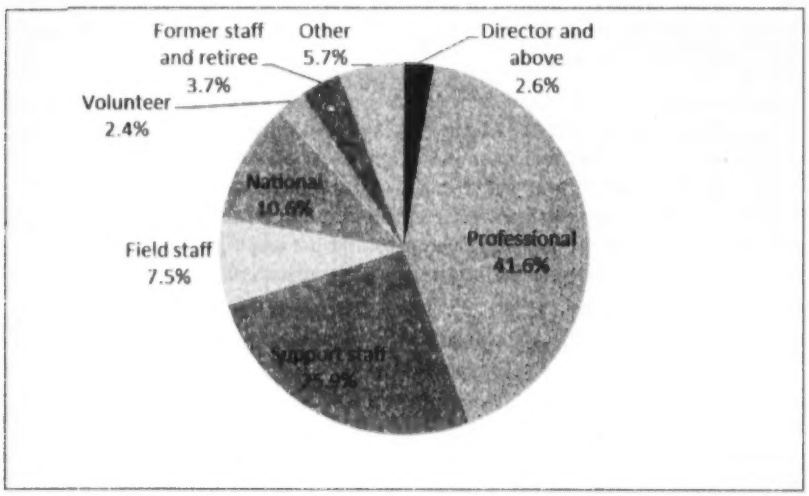
105. Of the cases raised by visitors from funds and programmes 80 per cent were from country offices and 20 per cent from Headquarters locations. This reflects the reality of field-oriented organizations and is consistent with results from previous years, indicating that the Office strives to meet requests from country offices. Nevertheless, contact and outreach to offices in the field continued to be constrained by resource issues. During the period covered by the present report, the Office was only able to undertake missions to two regions, which comprised five countries.

106. Of the UNHCR visitors, 38 per cent came from headquarters and 62 per cent from field office locations. This is a reversion to the pattern observed prior to 2008. The decrease in visitors from Headquarters can be attributed to greater stability there following a period of restructuring, and the increase in field staff visitors can be attributed to the increased field visits by the Ombudsman and to a greater awareness of the role and function of the Office. For example, towards the end of 2009, UNHCR and the World Food Programme (WFP) jointly organized a training of Respectful Workplace Advisers for staff from four countries in East Africa. The programme, based on the good practice model of the World Bank, involves the nomination of trusted colleagues by their peers, a workshop and subsequent support provided by the Office of the Ombudsman. Respectful Workplace Advisers are available on a volunteer basis to their colleagues at the field level to help to them decide how to deal with workplace problems in a timely and effective manner. It is planned to continue the programme in 2010.

Occupational groups across the United Nations Ombudsman and Mediation Services

107. The largest occupational group of visitors to the United Nations Ombudsman and Mediation Services was staff in the Professional category (41.6 per cent), followed by support staff (25.9 per cent). The other groups who sought the services of the Office were smaller, although some of them are increasing; for instance, national staff in the missions and those working for funds and programmes and UNHCR at the field level, constituted 7 per cent of the visitors in 2008 and accounted for 10.6 per cent in 2009. Figure 5 below displays data of the Office as a whole, giving an overview of Office visitors' occupational groups in the United Nations system. The paragraphs immediately following the chart contain details from the Secretariat, funds and programmes, and UNHCR.

Figure 5
Percentages of visitors by occupational group across the United Nations Ombudsman and Mediation Services



108. The Secretariat has a specific occupational group: field staff members are international support staff working exclusively in peacekeeping and special political missions. Field staff constituted 14 per cent of the total number of Secretariat visitors.

109. In the funds and programmes, as in the past, the majority of cases (60 per cent in 2009) were staff from the Professional and higher categories.

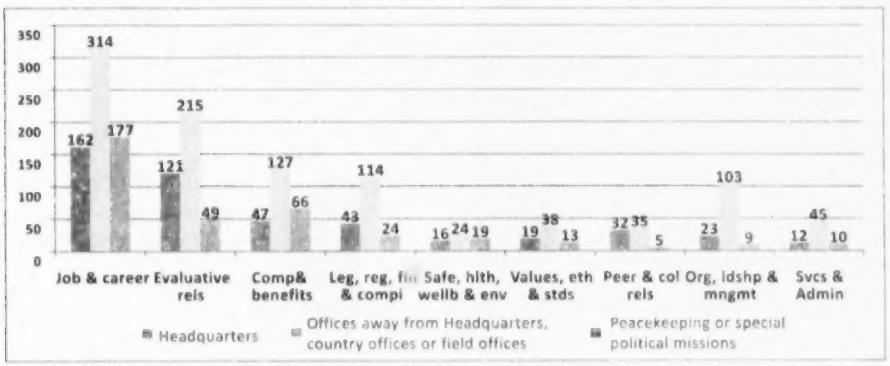
110. In UNHCR, as in previous years, there were more staff in the national staff and Professional and higher categories than in the General Service category; there were 23 senior colleagues (P-5 and above) who approached the Office for confidential advice, either about their own concerns or their concerns as managers.

C. Issues by types of office location across the United Nations Ombudsman and Mediation Services

111. Patterns of issues are fairly consistent across the different types of offices described above. The category with the largest number of cases brought to the United Nations Ombudsman and Mediation Services by visitors from all three types of offices is job and career. At Headquarters and offices away from Headquarters, country offices or field offices, the second largest is to evaluative relationships. However, in peacekeeping or special political missions, the second most numerous is compensation and benefits, with evaluative relationships comprising the third largest number. Compensation and benefits is third for Headquarters and for offices away from Headquarters, country offices and field offices. Fourth for all three types of office is legal, regulatory, financial and compliance, and fifth is organizational, leadership and management.[6]

[6] Information on types of issues overall is found in sect. III of the present report.

Figure 6
Categories of issues by type of office location across the United Nations Ombudsman and Mediation Services



112. For the Secretariat, as in previous years, the largest number of cases emerged from the staff of field operations and related to job and career. Many of the cases concerned the change from one contract modality to another under the new system, which took effect on 1 July 2009. Prior to 1 July 2009, many of the cases related to delays in promotion decisions and also to denial of requests for special post allowances.

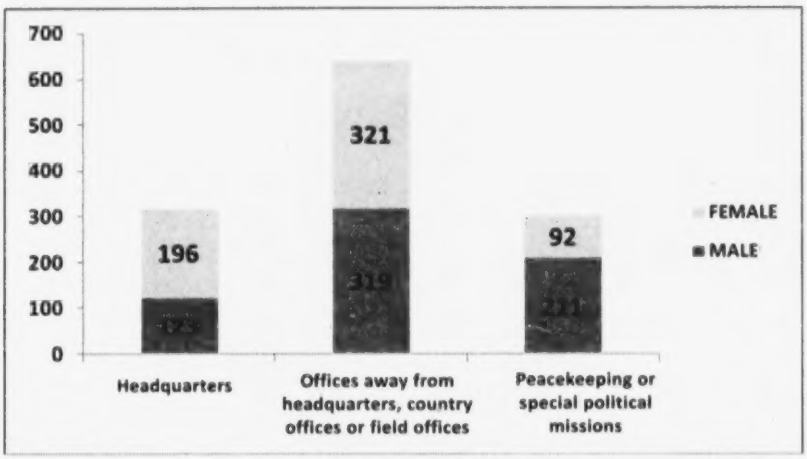
113. In the funds and programmes, visitors felt that some country offices have had less than satisfactory human resources management. There might be a need for more human resources audits, which would help to ensure greater consistency and adherence to due process. Of the cases addressed during the reporting period, 80 per cent were from country offices and 20 per cent were from Headquarters locations. This reflects the reality of field-oriented organizations and is consistent with results from previous years.

114. Compared to 2008, the variation in frequency and type of issues brought up by UNHCR headquarters and field staff, respectively, seems to have been less pronounced in 2009 with evaluative relationships and job and career both scoring relatively high and all other issues considerably lower, for both types of office locations.

D. Gender distribution by type of office location across the Office of the United Nations Ombudsman and Mediation Services

115. Of the visitors to the United Nations Ombudsman and Mediation Services from Headquarters locations, 61 per cent were female. The percentage of females was lower from the other types of offices. For offices away from Headquarters (Secretariat), country offices (funds and programmes) and field offices (UNHCR), 50 per cent of the visitors were female, and for peacekeeping or special political missions, 30 per cent of the visitors were female. In the future, the Office will provide further statistics on types of issues raised by males or females by location and further related analysis, provided that there are patterns worthy of note.

Figure 7
Number of female and male visitors by type of office location[a]



[a] The number of cases in this chart may differ from that quoted elsewhere in the report, as some cases were brought by groups; gender breakdown of groups data are not collected.

116. In the reporting year, the Office saw 401 male visitors and 292 female visitors from the Secretariat. In addition to promotion and career-related cases, which account for a majority of the concerns that were raised by both male and female visitors over the reporting period, there are particular issues that are peculiar to female visitors. The non-family status of many peacekeeping missions means that many staff members of childbearing age feel compelled to sacrifice their United Nations career and leave the Organization to pursue family life. Many staff approached the Office to seek assistance with ways in which they could balance their dedication to working for the United Nations with an equally balanced family life.

117. For funds and programmes, women in particular brought grievances related to reintegration into the workforce after study leave. Many staff members undertake study leave with the agreement of their manager, and select courses which will not only improve their own career prospects, but will also benefit the organization. The visitors have indicated that it is difficult for staff on study leave to reintegrate themselves into the organization. In extreme cases, staff members have found that their contracts were not renewed during the period of study leave.

118. In UNHCR, more women than men approached the Office, as was the case in earlier years. The largest group of visitors by age and gender were women aged between 30 and 39, men aged between 50 and 59 and men aged between 40 and 49. As in 2008, there were four (mixed) groups of visitors who, together, brought up eight issues. One group was based at Headquarters while the other three groups were based in the field.

V. Incentives to encourage informal resolution of workplace disputes

A. Background

119. In its resolution 63/253 (para. 20), the General Assembly requested the Secretary-General to consider and make proposals at its sixty-fifth session for providing incentives for employees seeking dispute resolution to submit disputes to mediation under the auspices of the Office of the Ombudsman. The proposals outlined in the present section were introduced by the Ombudsman at the Staff-Management Coordination Committee meeting held in Beirut in June 2010, and were well received.

120. With the new system of administration of justice, the Organization is enhancing and further supporting an organizational culture where internal conflict is resolved through informal means. The Office of the United Nations Ombudsman and Mediation Services is working with senior leadership, management and staff associations to encourage informal resolution via mediation and ombudsman services. The active support of staff and management at all levels is valued by the Office for their part in this transition to a new organizational culture.

121. While a number of improvements have been made, with the strong impetus initiated by the General Assembly's reform and the robust support provided by the Secretary-General, Deputy Secretary-General and senior leadership, as well as staff representatives generally, the informal system will continue to make strides in the months and years ahead. However, a number of challenges will need to be overcome in order for informal resolution to become the preferred approach to the resolution of disputes.

122. In the present report it is noted that staff are increasingly availing themselves of the formal justice process, as they perceive quicker resolutions and binding decisions. Data from the report also indicates that more staff members are seeking informal resolution because they prefer to resolve issues collaboratively and less formally. Some managers, however, are still reluctant to engage in an informal process. It is important to recognize that, by using informal resolution processes, staff can expect to resolve issues in a way that preserves control of the dispute-resolution process. The Ombudsman cannot initiate any action or implement an option without the consent of the visitor. Similarly, a mediator cannot initiate mediation proceedings or impose a solution or an agreement on the parties. While some cases, such as fraud, may be more appropriately resolved in the formal system (such as through the Office of Internal Oversight Services) it is nevertheless widely recognized that using informal resolution can be an effective and cost-efficient alternative to formal grievance mechanisms.

123. Of the total number of cases received by the integrated Office between 1 July 2009 and 31 December 2009, 79 per cent did not proceed to the United Nations Dispute Tribunal. In assisting staff members to navigate their work relationships, often prevents contested administrative decisions from arising in the first place. In the alternative scenario, if a contested administrative decision does occur, involvement by the Ombudsman or by the Mediation Service can prevent a formal action from arising or can resolve a case amicably after a formal action has arisen.

B. Challenges and recommendations

Need for increased awareness

124. One key incentive to use informal dispute resolution is to raise awareness of the breadth and depth of what it offers by all stakeholders involved in the system of administration of justice. Due to the bounds of confidentiality, the benefits of informal approaches are less well known than those of the formal system, which are in the public domain.

Recommendations

1. The benefits of informal conflict resolution should be clarified and communicated not only by the United Nations Ombudsman and Mediation Services, but also by senior managers, as was done by the Deputy Secretary-General with the department heads. The Organization could raise awareness among staff about the negative consequences of poorly managed conflict. Some of these benefits are: improved balance of power; a place to address issues for which there are no other venues; potential to limit damage to working relationships; retention of control over the handling of the matter; reduced need to escalate matters to senior management; enhanced communication skills; and improved capacity for the Organization to respond in a way that is consistent with good governance, and its values and higher-level objectives.

2. It is suggested that the tribunals and other formal mechanisms align policies and terminology to refer cases to "informal resolution" (as opposed to simply "mediation" or "ombudsman") to allow more use of the breadth of services available and to allow for the best matching of a dispute-resolution technique to the issue in question.

3. In addition, to create a stronger concerted referral mechanism, it is recommended that all Organization offices that deal with conflict resolution make reference to the services of the United Nations Ombudsman and Mediation Services in their materials.

4. The Office plans to communicate systemic trends and patterns to the partners involved with amending policies on a more regular basis to ensure that corrective actions are taken more expeditiously and to the staff at large in order to gain their confidence and trust in the informal process.

5. In addition, it is recommended that departments work with the United Nations Ombudsman and Mediation Services as the focal point for capturing systemic issues for the organization and channelling them to the General Assembly. Similarly, according to the terms of reference,[7] the United Nations Ombudsman and Mediation Services could be consulted when there are major policy changes proposed, as the Office has a view of issues across the whole Organization.

[7] Art. 3.12 of the terms of reference (ST/SGB/2002/12), in which it is stated that the Ombudsman may be consulted on policy issues where his or her experience may prove useful.

Dealing with the voluntary nature of informal solutions

125. The interactions with the United Nations Ombudsman and Mediation Services are voluntary. Frequently, a party may be reluctant to come to participate. By contrast, in the formal system, parties are mandated to do so.

Recommendation

In order to optimize the voluntary nature of informal conflict resolution, it is recommended that the Organization place emphasis on encouraging managers to cooperate with the United Nations Ombudsman and Mediation Services when approached to resolve a situation informally. This will also serve to encourage others to seek and seriously consider informal resolution.

Improving access to the services of the Office of the United Nations Ombudsman and Mediation Services

126. The United Nations Ombudsman and Mediation Services recently conducted in-person programmes for staff, which demonstrated the impact of such programmes. From the feedback collected, over 94 per cent of respondents indicated that, as a result of an in-person intervention, they would be more likely to seek informal resolution than to pursue a formal grievance. In addition, the Office has noted in the present report that, in recent missions to peacekeeping locations where the office provided in-person intervention to staff, about 80 per cent of the cases, some of which had festered for nearly a year, were resolved before the team left the mission. It is becoming increasingly clear that the vision of the General Assembly to provide staff away from headquarters with greater in-person access to the United Nations Ombudsman and Mediation Services was strategically well considered and effective.

127. At present, there is no additional regular budget funding allocated to allow ombudsmen to conduct in-person interventions, as the Office is still operating on its pre-expansion travel budget. By also establishing seven regional offices around the world, the General Assembly has recognized that decentralization is the ultimate means of providing effective and timely informal dispute resolution in the field. However, getting the ombudsmen and mediators to the actual sites in their regions has been a challenge, due to financial constraints, particularly when the need was unforeseen. Access to the services of the United Nations Ombudsman and Mediation Services can be improved through deploying rapid-response teams consisting of staff within the integrated Office, including regional ombudsmen and mediators as needed. This is currently being done on a small scale as the Office in the Secretariat is operating on its pre-expansion travel budget.

Recommendation

The Office proposes to develop and deploy critical ombudsman response teams in order to become more responsive to the needs of its constituencies as and when the need arises. The teams would (a) provide rapid response to crises and issues in the field; (b) combine the response with educational materials for dissemination in the field; and (c) provide for follow-up contacts in terms of coaching, team-building or conflict-resolution training, as appropriate. Appropriate funding should be considered to establish critical ombudsman response teams as needed.

Building conflict competence

128. Opinions often differ among the staff at all levels about what the informal system, which is centred on the Office of the Ombudsman, could offer them. This is due to the fact that perceptions also vary about the role of the Ombudsman. Since the Ombudsman does not have decision-making powers, some, particularly on the staff side, believe that they would get quicker and lucrative financial settlements in the formal system, losing sight of the long-term and sustainable benefits of informal resolution. Others, particularly on the management side, view the Ombudsman as a staff advocate, underestimating the consequences of unresolved conflict and how this impacts staff morale, and losing sight of the neutrality and independence principles governing the work of the Ombudsman.

Recommendations

1. Since education is an important component for use of the informal system, the Office of the United Nations Ombudsman and Mediation Services can cooperate with human resources offices to provide training in communication and dispute-resolution skills specifically aimed at providing managers with the skill to handle conflict at their level so that it does not get to the formal stage.

2. In addition, team interventions and team-building exercises by the United Nations Ombudsman and Mediation Services at Headquarters and overseas are very effective, but the necessary manpower and funds to do this regularly are lacking.

Timely, rapid resolution of issues

129. Staff members often see the formal system as offering them expeditious resolutions. While managers are mandated to respect the timelines set by the formal system, this is not the case with the informal resolutions. Staff rules 11.2 (c), 11.2 (d) and 11.4 (c) allow for deadlines to be extended if the cases are submitted for informal resolutions. In addition, lack of consistency exists in the time frame for filing an application to enforce implementation of settlement agreement. Article 8.2 of the United Nations Dispute Tribunal statute and article 7.4 of its rules of procedure provide that if a settlement agreement is silent on the time period for implementation of the agreement reached through mediation, a party may file an application for enforcement of the settlement agreement after the thirtieth day from the date of signing the agreement. Staff rule 11.1 (d) provides that if a settlement agreement is silent on the time period for implementation of the agreement reached through mediation, a party may file an application for enforcement within 90 calendar days of the thirtieth calendar day from the date on which the agreement is signed.

Recommendations

1. In order to improve speed and get more buy-in to informal resolution, cases that are brought to the Office of the United Nations Ombudsman and Mediation Services should be fast-tracked within a specified deadline of a maximum of 30 days.

2. Managers should adhere to deadlines for the informal resolution of cases.

3. Consistency could be established among the various provisions in the time frame for filing an application to enforce implementation of a settlement agreement.

4. To facilitate the utilization of the informal process, the Office of the United Nations Ombudsman and Mediation Services suggests that staff rule 11.1 (c) be amended so that the words, "may result in the extension of the deadline" are replaced with the words, "shall require the extension of the deadline", and that staff rule 11.2 (c) be amended so that the words "This deadline may be extended" are replaced with the words, "This deadline shall be extended". It would also be helpful if there were an addition to the United Nations Dispute Tribunal statute and/or rules of procedure governing informal dispute resolution that would require the suspension of the timeline for filing a management evaluation request if the complaining party timely enters into informal dispute resolution. Thus, the 60-day time period to file a request for a management evaluation review would be mandatorily suspended while informal dispute-resolution proceedings are taking place, just as the United Nations Dispute Tribunal statute and rules of procedure currently require that time period for filing an application with the Tribunal is suspended while mediation proceedings are taking place.

Focal points within individual departments

130. Some staff, particularly those in remote locations, may sometimes have to wait an extended period of time to receive a response to their concerns.

Recommendations

1. Staff should receive timely responses by organizations to their concerns.

2. Focal points should be designated in individual departments with whom the Office can maintain liaison with directly on cases. The Office has done this with the Pension Fund and other departments and it has been very effective. The focal points could also act as troubleshooters to ensure expeditious resolutions. They could also have the authority to take the matter upward, including to the heads of departments, if they see a trend in delays in resolving disputes.

Delegated authority to settle disputes through informal means

131. The Ombudsman does not have decision-making authority, and since mechanisms are not in place for staff and management to seek informal resolution as a first step, the formal approach is often the path sought by staff. Identifying and ensuring the presence or at least immediate access to the individual(s) with the authority to settle all aspects of the matter is sometimes difficult.

Recommendation

Parties who are designated to settle disputes through informal means must have delegated authority to fully settle the case and to respond to any subsequent issues that may arise in the execution of the agreement. Experience has shown that the absence of such authority often leads to delay and difficulty

in reaching resolution. The Office of the Ombudsman could develop generic terms of reference for such a designated individual.

Financial considerations

132. On the one hand, there does not currently appear to be a uniform provision to smoothly facilitate financial compensation when conflict resolution is reached through informal resolution. On the other hand, reaching a resolution can be hindered or derailed altogether due to lack of funds.

Recommendations

1. A provision providing for payment of financial compensation agreed upon as a result of informal dispute resolution might be established similar to the provisions of article 5.4 of the United Nations Appeals Tribunal and article 6.4 of the United Nations Dispute Tribunal, where compensation ordered by either Tribunal is to be paid by the United Nations Secretariat or separately administered United Nations funds and programmes, as applicable and appropriate.

2. In order to verify that funds are available and can be accessed, it would be useful to have a specifically identified source of funds to be used for payment of funds in cases of informal dispute resolution. This need not create an additional budget line, as funds are currently paid out to settle some matters resolved informally.

Support from managers, the Organization, and staff associations

133. There is a need for greater articulation of support for informal resolution from the Organization, managers, and staff associations to help to remind people of its availability and to help to alleviate any fears or reservations that staff might have in taking any conflict-resolution steps, albeit informal ones. The success of this approach has been demonstrated through the Office's outreach and collaboration with other departments, human resources and others, which have led to an increase in referrals.

Recommendations

1. Incentives to managers might be provided through the performance management and development system. Such linkage with performance management would encourage managers to evaluate the appropriateness of the informal approach on a case-by-case basis using specific criteria. A positive remark could be included in the performance appraisal reports of a manager who engages in an informal process, preserving confidentiality. Similarly, appropriate rewards could be identified, such as accelerated increment for managers who are nominated by the staff for demonstrating managerial excellence, including in conflict prevention.

2. The senior managers' compact with the Secretary-General should ideally include informal resolution of conflicts as a performance indicator. For example, the compact could include the number of cases that were handled in a given department through formal means, which could then be used as a reference point to begin an analysis of why informal resolution was not used.

It is acknowledged that action is ongoing on identification of performance indicators for the compact.

3. When a case is referred to the Management Evaluation Unit, they should continue to request the concerned party to seek informal resolution, advising them of the extension of deadlines for filing in the formal system.

4. The United Nations Ombudsman should be invited to senior management meetings to bring trends and patterns to the attention of the heads of departments/heads of organizations on a regular basis, with possible corrective steps. This would also be seen as the senior managers' commitment to the process.

134. The Office of the United Nations Ombudsman and Mediation Services hopes that the General Assembly will favourably consider the incentives outlined above and stands ready to work with relevant stakeholders to implement them.

VI. Future directions

135. The first two years of the current United Nations Ombudsman's term were primarily dedicated to the integration of services and geographical decentralization mandated for his Office by the General Assembly. In addition to fulfilling the core mandate of his Office, the Ombudsman focused on three main priorities, namely:

(a) Developing a successful integration process by intensifying internal efforts of coordination and cooperation among the Ombudsmen of the Secretariat, funds and programmes and UNHCR, with a view to enhancing the complementarity of their roles and services;

(b) Laying the groundwork for decentralization, recruiting the regional ombudsmen and building the foundations for an effective and successful practice in the regional branches;

(c) Establishing the Mediation Service; developing guidelines and operating procedures and creating inter-agency partnerships to begin a roster of on-call mediators.

136. Efforts by the Office in the next phase of its restructuring process will focus on the following key areas.

Improving internal governance

137. The Office of the United Nations Ombudsman and Mediation Services will continue to strengthen its institutional capacity by integrating best practices into strategic planning and service delivery and by providing its staff with professional development opportunities. The Office will further focus its efforts on building team coherence within the integrated office, including in how the Ombudsman, as the head of the integrated, single and decentralized office will maintain his or her oversight and accountability, and ensuring consistency in practices and principles within this expanded system. This will strengthen the Office's ability to deliver as one, as foreseen by the General Assembly.

138. In an effort to assess performance and improve service delivery, the Office further intends to continue to seek feedback from clients.

Strengthening the Mediation Service

139. The staffing of the Mediation Service has been completed. Mediation guidelines and a code of conduct for mediators have been developed and a number of cases have been satisfactorily resolved. Based on lessons learned, the Office will further review its modus operandi, particularly in addressing issues that are raised in the execution of the settlement agreements reached through mediation. The Office intends to continue promoting mediation, particularly in field operations, through targeted outreach and advocacy work and by liaising with community mediation entities to review the best practices. The Office will continue to collaborate closely with relevant stakeholders in the administration of justice system, including harmonizing the timelines as mentioned in the earlier section and further developing its roster of on-call mediators.

Promoting the added value of conflict prevention

140. Conflict is a fact of life and, like any other workplace, the United Nations is not free of it. And yet, unresolved workplace disputes can be very damaging, since they often result in low productivity, job dissatisfaction and absenteeism with ensuing direct and indirect costs for the Organization. There is a growing recognition of the value added by resolving conflict through informal means. Informal dispute resolution is a valuable tool for solving issues once they arise; however an important role is also preventing issues before they occur or preventing recurrence of issues. Getting to the root cause of conflict and solving it is more cost-effective than resolving the same problems over and over. Informal resolution has also proved to be an effective and cost-saving mechanism for the Organization, particularly in terms of resolving informally and behind the scenes grievances that might have otherwise escalated into public problems. The work of the Ombudsman has further become instrumental in helping staff to manage relationships both with colleagues and with the Organization. The Office will continue to actively promote the benefits of conflict prevention through its outreach and advocacy work and will partner with management and staff representatives to keep this momentum and to identify and analyse the reasons why conflicts arise and how to build trust and a harmonious working environment.

Strengthening the role of the Office of the United Nations Ombudsman and Mediation Services as a change agent

141. One way that the Office of the United Nations Ombudsman and Mediation Services can fulfil its role as a change agent is to make it known to departments that they can consult the Office when they formulate new policies. In accordance with his or her mandate, the Ombudsman may be consulted on policy issues where his or her experience may prove useful. The Office knows the pulse of the Organization. It has an overview of systemic problems and trends and can be a great resource in this context. In addition, by further developing its integrated database, the Office will be able to bring systemic problems to the attention of department heads early, rather than waiting for the annual (or biennial) report to do so.

142. Another change agent activity is the key stakeholders forum, which the Office of the United Nations Ombudsman and Mediation Services launched in 2009. The first forum brought together human resource policymakers from all the entities represented in the Office to discuss a pressing need for reform of organizational

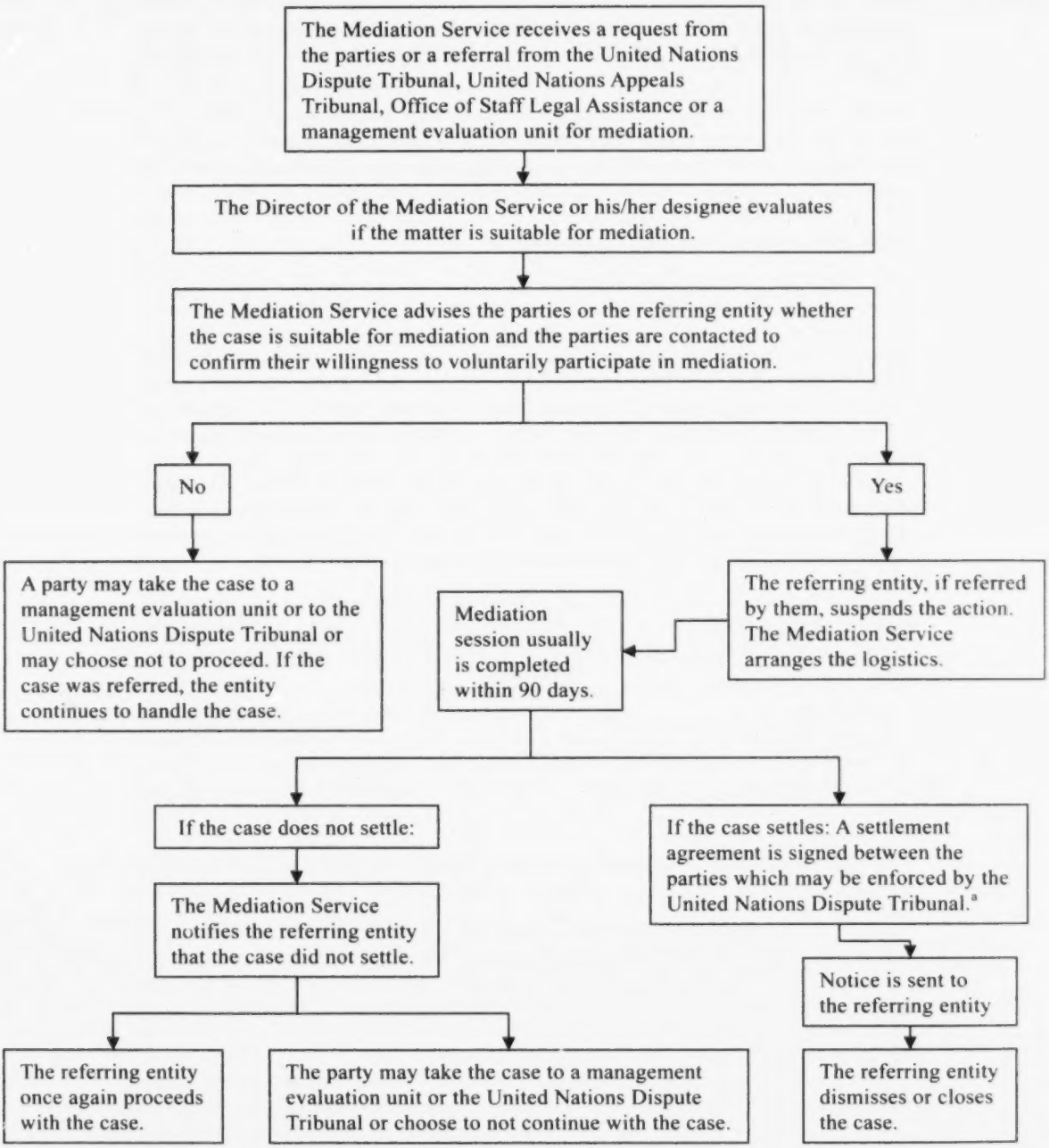
policy on the issue of educational requirements for United Nations employment. Consensus emerged from the group that the development of an inter-agency policy and the centralization of verification efforts would bring a number of shared benefits.

143. In addition to further developing its stakeholders' forum and expanding it to include subject experts and other stakeholders, the Office will continue to pursue additional avenues of strengthening partnerships with key stakeholders, including management and staff associations as well as external organizations.

Building credibility and trust through success

144. The Office of the United Nations Ombudsman and Mediation Services is new in many ways: the integration, the Mediation Service and the regional locations. This is a good opportunity to look for ways to build trust and credibility. Within the bounds of confidentiality, it is important that successes be communicated through outreach, including senior management briefings and town halls. Another way to build trust is through personal contact. Staff are more likely to be comfortable raising sensitive, potentially serious, issues when they have a direct personal connection with someone and not just a voice at the end of a phone line, or worse, on the other end of an e-mail communication. The deployment of rapid response teams referred to earlier in the present report would help to achieve this goal. The credibility of the Office would be reinforced through demonstrating this level of commitment to the staff and helping to resolve workplace issues.

145. With the increase in credibility and trust, it is hoped that more staff will turn to informal conflict resolution and that the United Nations will move a step closer to being a model workplace, fully embodying the principles that it promotes around the world.


The Mediation Service receives a request from the parties or a referral from the United Nations Dispute Tribunal, United Nations Appeals Tribunal, Office of Staff Legal Assistance or a management evaluation unit for mediation.
The Director of the Mediation Service or his/her designee evaluates if the matter is suitable for mediation.
The Mediation Service advises the parties or the referring entity whether the case is suitable for mediation and the parties are contacted to confirm their willingness to voluntarily participate in mediation.
No
Yes
A party may take the case to a management evaluation unit or to the United Nations Dispute Tribunal or may choose not to proceed. If the case was referred, the entity continues to handle the case.
Mediation session usually is completed within 90 days.
The referring entity, if referred by them, suspends the action. The Mediation Service arranges the logistics.
If the case does not settle:
The Mediation Service notifies the referring entity that the case did not settle.
If the case settles: A settlement agreement is signed between the parties which may be enforced by the United Nations Dispute Tribunal.[a]
Notice is sent to the referring entity
The referring entity once again proceeds with the case.
The party may take the case to a management evaluation unit or the United Nations Dispute Tribunal or choose to not continue with the case.
The referring entity dismisses or closes the case.

[a] Article 8.2 of the statute of the United Nations Dispute Tribunal and Staff Rules.